



CITY OF WEATHERFORD ZONING ORDINANCE

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Chapter 1. Enacting Provisions

Sec. 12-1-1. Enacting clause.

THIS ORDINANCE IS HEREBY ENACTED AND ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WEATHERFORD, TEXAS. THE PREVIOUS ZONING ORDINANCE OF THE CITY, ORDINANCE NO. 2003-48, ADOPTED ON THE 28th DAY OF OCTOBER, 2003, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREBY AMENDED, REPEALED AND REPLACED IN ITS ENTIRETY BY THIS ORDINANCE TO READ AS FOLLOWS:

Sec. 12-1-2. Title and purpose.

This Ordinance shall be known and may be cited as the City of Weatherford's "Zoning Ordinance".

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Sec. 12-1-3. Zoning district map.

- (a) The city is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the zoning district map of the city, which may also be cited as the "zoning map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.
- (b) One (1) original of the zoning district map shall be filed in the office of the City Secretary and labeled as "Official Zoning Map of the City of Weatherford, Texas." This copy shall be the official zoning district map. In case of any question, this copy, together with amending ordinances, shall be controlling.
- (c) A copy of the official zoning district map shall be placed in the office of the City Manager (or his/her designee). The map copy shall be used for reference and shall be maintained up-to-date. Reproductions for informational purposes may only be made of the official zoning district map or this copy.

Sec. 12-1-4. Zoning district boundaries.

The zoning district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the zoning district map, the following rules shall apply:

- (a) Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
- (b) Boundaries shown as approximately following city limits shall be construed as following such city limits.

- (c) Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- (d) Boundaries shown as parallel to, or extensions of, features described in this Subsection shall be so construed. Distances not specifically indicated on the zoning district map shall be determined by the scale of the map.
- (e) Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- (f) Where physical features on the ground are at variance with information shown on the zoning district map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of this Subsection, then the Board of Adjustment shall interpret the zoning district boundaries.
- (g) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "AG" (Agricultural) in the same manner as provided for newly annexed territory.
- (h) Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance (Ordinance No. 2003-48, as amended), adopted on October 28, 2003, and the effective date of this Ordinance are indicated in approximate locations on the zoning district map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

Sec. 12-1-5. Compliance required and application of regulations.

- (a) All land, buildings, structures or appurtenances thereon located within the City of Weatherford, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
- (b) No uses shall be allowed which are prohibited by state or federal law or which operate in excess of state or federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), Texas Board on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Board (FCC), or any other applicable state or federal agency, as the case may be.
- (c) No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.

Sec. 12-1-6. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also

include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

Accessory dwelling. A separate living unit, detached from the primary structure, complete with kitchen, bathroom and sleeping facilities.

Accessory structure. A structure located on the same premise that is customarily incidental, detached and subordinate to the primary structure or use.

Accessory use. A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s).

Agriculture. The use of any tract of land for the production of animal or vegetable life; uses include, but are not limited to, the pasturing, grazing, and watering of livestock and the cropping, cultivation, and harvesting of plants.

Airport or landing field. A place where aircraft can land and take off generally equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

Alley. A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Amusement services. A commercial facility that includes, but is not limited to, bowling alleys, movie theatres, music halls, indoor skating rinks, video arcades, pool and billiard halls, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, dance schools or classes and shooting arcades.

Appliance repair. The servicing of a piece of equipment, usually operated electrically, especially for use in the home or for performance of domestic chores, such as a refrigerator, washing machine, or toaster.

Applicant. The owner of record of a property, the agent or lessee thereof with the approval of the owner of record in a notarized form, or a person holding a bona fide contract to purchase the property with approval of the property owner.

Art gallery or museum. An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

Assisted living facility. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services pursuant to Chapter 247, Texas Health and Safety Code.

Bed and breakfast/boarding house. A dwelling arranged or used for lodging for compensation, with or without meals.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building height. The vertical distance from grade plane to the average height of the highest roof surface.

Building line. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

Building, main or primary. A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building official. The officer or other designated authority charged with the administration and enforcement of the Building Code.

Building permit. Written authorization as required by the current Building Code, issued by the Building Official, for the erection, construction, reconstruction, alteration, repair, conversion, demolition, moving or maintenance of any building, structure or improvement to a given lot or tract of land or portion thereof, and which allows construction to proceed in accordance with construction documents approved by the Building Official.

Camp grounds. An area of non-residentially zoned land on which accommodations for temporary occupation are located or may be placed. This includes, but is not limited to tents and recreational vehicles.

Car wash. A place or business equipped for washing cars and other motor vehicles.

Carport. A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension. Also called "covered parking area."

Cemetery or mausoleum. A place that is used or intended to be used for interment, and includes a graveyard, burial park, or mausoleum pursuant to Chapter 711, Texas Health and Safety Code.

Cemetery, pet. Same as cemetery except intended for interment of dead animals.

Certificate of occupancy. An official certificate issued by the city through the building official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

Child care facility. A facility licensed, certified, or registered by the department to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church/Place of worship. An institution that people regularly attend to participate in or hold religious services, meetings, or other activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

City council. The governing body of the City of Weatherford, Texas.

Civic center. A building or group of buildings containing administrative offices for the operations of local government that is 1) owned and operated by the city of Weatherford and 2) used predominantly for office and meeting space for local government and/or community activities.

Community home. A community-based residential home pursuant to Chapter 123, Texas Human Resource Code.

Community service. A facility that is designed for the benefit of the public or its institutions including but not limited to community centers, libraries, post offices, governmental agencies, etc.

Comprehensive plan. Document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various components governing specific geographic areas and functions and services of the city.

Continuing care facility. A place in which a person provides continuing care to an individual pursuant to Chapter 246, Texas Health and Safety Code.

Convalescent and nursing homes and related institutions. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry pursuant to Chapter 242, Texas Health and Safety Code.

Country club (private). A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

Court. An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Density. The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

Detached. Having no physical connection above the top of the floor line of the first floor with any other building or structure.

Dwelling. Any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, multifamily. A building or portion of a building having suitable accommodations for three or more families, living independently of each other, who may or may not have joint uses of utilities, halls, yards, etc. This term includes premises occupied more or less permanently for residential purposes in which rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodginghouses, roominghouses, and all the dwellings similarly occupied.

Dwelling, one-family. A detached building used exclusively for residential purposes having suitable accommodations for only one family.

Dwelling, two-family. A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other.

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Educational facilities. Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

Entertainment. Includes shows, plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, television, video reproduction, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

Exhibition hall. A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Exploration and extraction. Searching and removal of minerals by geological, geophysical, geochemical or other techniques including sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Fair grounds/rodeo grounds or exhibition area. An area or space either outside or within a building for the display of topic-specific goods or information.

Family. One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Family home. A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker pursuant to Chapter 42, Texas Human Resources Code.

Flood plain. Any land area susceptible to being inundated by flood waters from any source. (See also, Special Flood Hazard)

Fraternal organization, lodge, civic club, or union. An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

Funeral home. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Golf course. An area improved with trees, greens, fairways, hazards, and which may include clubhouses.

Heavy manufacturing. A use engaged in the basic processing and manufacturing of materials, or products predominantly from extracted raw materials or a use engaged in the storage of or manufacturing processes using flammable or explosive materials or storage of processes that potentially involve hazardous or commonly recognized offensive conditions.

Heliport. An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop. The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Home occupation. An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Hospital. An establishment that offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy and regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent pursuant to Chapter 241, Texas Health and Safety Code.

Hotel. A building containing guest rooms, rented for less than thirty (30) days and designed to be used for sleeping purposes, which provides a common entrance, lobby, halls and stairways.

HUD-code manufactured home. A structure 1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development 2) built on a permanent chassis 3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities 4) transportable in one or more sections 5) in the traveling mode, is at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet 6) includes the plumbing, heating, air conditioning, and electrical systems of the home, and 7) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g) pursuant to Chapter 1201, Texas Occupations Code.

Industrial, manufacturing. Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

Industrialized housing. A structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.A.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

Kiosk. A small, free-standing, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

Landscaping. Grass, trees, shrubs, vines, ground cover or flowers planted and maintained to enhance appearance of a development. Landscaping may include non-botanical features, such as walks, fountains, reflecting pools, art works, rain gardens and stormwater management features.

Light manufacturing. Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Lot. A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street.

Lot area. The total area, measured on a horizontal plane, included within lot lines.

Lot, corner. A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot depth. The mean horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot having frontage upon two non-intersecting streets, as distinguished from a corner lot.

Lot, flag. A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 35 feet. Flag, or panhandle, lots are typically discouraged.

Lot, interior. A lot other than a corner lot.

Lot frontage. That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

Lot lines or property lines. The lines bounding a lot as defined herein.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Parker County.

Lot width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line. ~~[(See Illustration 14).]~~

Manufactured housing. Means a HUD-code manufactured home or a mobile home.

Market (public). Markets located on public property, where independent merchants can sell their products to the public. Typical products sold at public markets include fresh produce, various other food items and crafted goods.

Micro brewery (onsite mfg. & sales). A combination retail, wholesale and manufacturing business that brews and serves beer and/or food.

Mini-warehouse/self-storage. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile home. A structure 1) constructed before June 15, 1976 2) built on a permanent chassis 3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities 4) transportable in one or more sections 5) in the traveling mode, is at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and 6) includes the plumbing, heating, air conditioning, and electrical systems of the home pursuant to Chapter 1201, Texas Occupations Code.

Mobile home park (also trailer park or rv park). A parcel of land not less than three acres nor greater than 35 acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Model home. A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Motel. A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

Motor vehicle. Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

Motor vehicle rental. A business primarily engaged in the rental of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor vehicle repair. Any person or business which, for compensation, engages in the activity of repairing, replacing, reconditioning, adjusting, analyzing, diagnosing or altering the operational condition of motor vehicles that are owned by other persons.

Motor vehicle sales. A business primarily engaged in the sale of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor vehicle salvage. A business which purchases, salvages and sells used parts from inoperable vehicles.

Motor vehicle service. Businesses primarily engaged in both selling and installing such automotive parts as mufflers and brakes.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

Offices. A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Off-street parking. Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within 150 feet of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

Outdoor Recreation. An area designed for active outdoor recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, campgrounds, golf courses, tennis courts and swimming pools.

Parcel. Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

Park/playground. An area of land set aside for public or private use, as a piece of land with few or no buildings within or adjoining a town, maintained for recreational and ornamental purposes.

Pawn shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, state and federal regulations.

Plat. A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Weatherford, and which is approved by the City of Weatherford and recorded in the plat records of Parker County.

Premises. Land together with any buildings or structures situated thereon.

Professional service. Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

Public garage/parking structure. A surface lot, parking structure or other facility owned, operated or maintained by the city, to provide parking to the general public.

Recycling kiosk. A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

Restaurant or cafeteria. An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, which may include a drive-through window(s)-or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail. An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Sand, gravel or stone extraction and/or storage. The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

School (K through 12). An institution for the instruction of children or people under college age.

School, other. Any institution for the instruction of people not considered a “school (k through 12)”.

Seasonal uses. Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.

Sexually oriented business. Businesses engaged in activities as specified in this Ordinance.

Special Flood Hazard. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE, or V. For the purpose of determining Community Rating System premium discounts, all AR and A99 zones are treated as non-SFHAs.

Stable (commercial). A stable used for the rental of stall space or for the sale or rental of livestock.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than 60 feet.

Street intersection. Any street that joins another street at an angle, whether or not it crosses the other.

Taxidermist. An establishment that provides the services of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telemarketing agency. An establishment that solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

Temporary field office or construction yard or office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year, or for a specific time and location as determined, may be issued by the building official and shall be subject to review and renewal for reasonable cause.

Tract. A single parcel or lot.

Use. The purpose for which land or buildings are or may be occupied in a zoning district.

Utilities (public). Any facility or structure which provides services to the general public including but not limited to electric, gas, telephone, water, and television cable systems either publicly or privately owned.

Variance. An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the board of adjustment of the City of Weatherford can grant a variance.

Veterinarian clinic. An establishment where animals are admitted for examination and medical treatment.

City. The City of Weatherford, Texas.

Warehouse/Office. A facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display and distribution of products.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, rear. The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side. The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning district. A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

Zoning district map. The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance.

Chapter 2. Zoning Procedures and Administration

Sec. 12-2-1. Zoning upon annexation.

(a) As soon as practical following annexation the City Manager (or his/her designee) or property owners of the annexed area, shall initiate proceedings to establish zoning on the newly annexed territory, thereupon the City Manager (or his/her designee) shall commence public notification and other standard procedures for zoning amendments as set forth in this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council.

(b) The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the city, must meet the requirements for notification and public hearings as set forth in this Ordinance and all other applicable state laws.

(c) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

(d) Within an area unzoned:

(1) No permit for the construction of a building or use of land shall be issued by the Building Official (or his/her designee).

(2) If plans and preparations for developing a property were already in progress prior to annexation of the property into the City of Weatherford, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:

- a. An application for a building permit for the proposed building or use must be made to the Building Official of the City of Weatherford (or his/her designee) within three (3) months (i.e., within ninety (90) calendar days) after annexation of the property into the city; and
- b. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the city.

In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the City Manager (or his/her designee) shall notify the Building Official (or his/her designee) of such approval.

Sec. 12-2-2. Nonconforming uses and structures.

(a) Nonconforming uses. Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance or amendments to this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- (4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming use of land.

(b) Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard, site location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (2) Should such nonconforming structure or nonconforming portion of structure be destroyed to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(3) Should structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(c) Nonconforming uses of structures and land in combination. If lawful use of structure and land in combination exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following:

(1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any legal nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such a building.

(3) If no structural alterations are made, any legal nonconforming use of a structure and land may as a special exception be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making finding in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the board of adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

(4) Any structure and land in combination, in which a legal nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(5) When a legal nonconforming use of a structure and land in combination is discontinued or abandoned for six consecutive months, they shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(6) Where legal nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the legal nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.

(d) Repairs and maintenance.

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased.

(2) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored or rebuilt, except in conformity with the regulations of the district in which it is located.

(3) Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 12-2-3. Amendments to Zoning Ordinance and districts, administrative procedures, and enforcement.

(a) Declaration of policy and review criteria:

(1) The city declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- a. To correct any error in the regulations or map;
- b. To recognize changed or changing conditions or circumstances in a particular locality;
- c. To recognize changes in technology, the style of living, or manner of conducting business; or
- d. To change the property to uses in accordance with the city's adopted comprehensive plan.

(2) In making a determination regarding a requested zoning change, the Planning and Zoning Board and the City Council shall consider the following factors:

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;
- b. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances that may make a substantial part of such vacant land unavailable for development;
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

(b) Authority to amend Ordinance:

(1) The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Board and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map. Any amendment to the Zoning Ordinance text or to zoning district boundaries may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Board or the City Manager (or his/her designee), or may be requested by the owner of real property (or his/her authorized representative).

(2) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Weatherford, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning

request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the city has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes have been paid.

(c) Application:

(1) Each application for zoning, zoning change, zoning amendment, or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the offices of Planning & Development. The application shall be delivered to the offices of Planning & Development at least thirty (30) days prior to a regularly scheduled meeting of the Planning and Zoning Board, as set forth by City Council minute order. Supplemental documentation shall be provided as set forth in the application on file in the offices of Planning & Development.

(2) All zoning requests involving real property (including zoning change and zoning amendment requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, evidence of land owner's agent authority to file the zoning change request.

(3) Zoning applications which do not include all required information and materials (as outlined above and per other city development review policies) will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a Planning and Zoning Board agenda until the proper information is provided to city staff.

(d) Notice of Board hearing:

For zoning requests involving real property (including zoning change and zoning amendment requests), the Planning and Zoning Board shall hold at least one (1) public hearing on each zoning application, as per applicable state law (Texas Local Government Code Chapter 211, as amended).

(e) Failure to appear:

Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Board or the City Council for more than one hearing without an approved delay by the City Manager (or his/her designee) shall constitute sufficient grounds for the Planning and Zoning Board or the City Council to table or deny the application unless the city is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

(f) Planning and Zoning Board consideration and recommendation:

(1) The Planning and Zoning Board shall function in accordance with this Ordinance and with applicable provisions in the City's Code of Ordinances.

(2) The Board shall hold a public hearing on a zoning request (including zoning change and zoning amendment requests, and also including a proposed text amendment to the Zoning Ordinance) as per applicable state law (Texas Local Government Code Chapter 211, as amended).

(g) City Council consideration:

(1) Every zoning application which is recommended for approval (or approval with conditions) by the Planning and Zoning Board shall be automatically forwarded (along with the Board's favorable recommendation) to the City Council for setting and holding of a second public hearing thereon following appropriate public hearing notification as prescribed above.

An application that is recommended by the Planning and Zoning Board for disapproval shall not be forwarded to the City Council unless the applicant files a written appeal with the City Manager (or his/her designee) within ten (10) calendar days after the Board's decision.

(2) After a public hearing is held before the City Council regarding the zoning application, the City Council shall take action as deemed appropriate.

If the City Council denies the request, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of one (1) year following the denial. In the instance that the request was initiated by the city and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.

The City Council may, at its option, waive the one-year waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

(3) Notice of the City Council public hearing for a zoning, zoning change, zoning amendment or Zoning Ordinance text amendment request shall be given as per applicable state law (Texas Local Government Code Chapter 211, as amended).

(4) For zoning requests involving real property (including zoning change and zoning amendment requests), a favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received in accordance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "20 percent rule").

(5) The City Council may hold a joint public hearing on a zoning, zoning change, zoning amendment or Zoning Ordinance text amendment request along with the Planning and Zoning Board, but the City Council shall not take action on the request until it has received a final recommendation from the Board. Notification for the City Council's public hearing may be accomplished simultaneously with the public notification given for the public hearing to be held before the Planning and Zoning Board (this is sometimes referred to as "double notification").

(h) Administration and enforcement:

(1) A designated City of Weatherford official, such as the Director of Planning and Development, shall be authorized by the City Council to administer and enforce the provisions of this Ordinance. If such designated official finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this Ordinance are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The designated city official, or his/her authorized representative, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Ordinance.

(2) Whenever any building or construction work is being done contrary to the provisions of this Ordinance, the designated city official (or his/her authorized representative) shall have the authority to order the work stopped by notice in writing served on the property owner or the

contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the city to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this Ordinance.

(i) Schedule of fees, charges and expenses:

(1) Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning or development application or on any appeal.

(2) The City Council, upon the recommendation of the Planning and Zoning Board, shall determine and adopt a fee schedule for the purpose of recovering a portion of the administrative costs associated with processing zoning and development requests, including public hearings, that are called for in this Ordinance. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the city in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval, the city shall issue a fee receipt and shall create a case file as a permanent city record thereof.

Sec. 12-2-4. Building permits.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the City of Weatherford's Building Official (or his/her designee). A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance or special exception. A building permit shall not be issued until the property is properly zoned for the intended use, until the property is platted in accordance with the Subdivision Ordinance, nor until all appropriate plans have been approved by the City.

Chapter 3. Zoning Districts

Sec. 12-3-1. Zoning districts established.

The City of Weatherford, Texas is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein. The districts established herein shall be known as:

TABLE INSET:

Abbreviated Designation	Zoning District Name
Base Districts	
AG	Agricultural
RE	Residential Estate
RL	Residential Lake Lots
R1	One-Family Residential
R2	Two-Family Residential
R3	Multifamily Residential

CBD	Central Business District
C1	Commercial
C2	Commercial/Interstate
I	Industrial

Sec. 12-3-2. AG Agricultural.

(a) In the AG Agricultural district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory dwelling

Accessory structures

Agriculture

Church/Place of worship

Community home

Community service

Family home

Industrialized housing

One-family dwelling

Park/Playground

School (K through 12)

Stables (commercial)

Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Bed & breakfast/boarding house

Camp grounds

Cemetery/Mausoleum

Communication antennas, support structures and towers

Exploration and extraction of hydrocarbons, sand, gravel, caliche or stone

Fair grounds/rodeo grounds

Funeral home

Heavy manufacturing

Light manufacturing

Manufactured housing

Mini-warehouse/self-storage

Outdoor recreation

Sand/Gravel/Caliche/Stone sales (storage)

Taxidermist

Veterinarian clinic

(d) *Height regulations.* No structure shall exceed 3 stories or 45 feet in height for the main building/house. 45 feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any residential structure on the premises, and they are set back at least 100 feet or three times their height (whichever is greater) from any front, side or rear property line.

(e) *Area regulations.*

(1) *Front yard.*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 50 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.
- b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 20 feet in width. There shall be a side yard on the street side of the structure of no less than 20 feet.
- c. A side yard width shall be provided of no less than 20 feet in width for any structures approved under the "conditional use" subsection of this section such as schools, libraries, etc.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 35 feet for the main building and 25 feet for rear garage entry.

(4) *Lot area.*

- a. The lot area shall be no less than 43,560 square feet.
- b. The minimum lot width is 200 feet.
- c. The minimum lot depth is 250 feet.

Sec. 12-3-3. RE Residential Estate.

(a) In the RE residential estate district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures
Church/Place of worship
Community home
Community service
Family home
Industrialized housing
One-family dwelling
Park/Playground
School (K through 12)
Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling
Agriculture
Bed & breakfast/boarding house
Cemetery/Mausoleum
Communication antennas, support structures and towers
Funeral home
Outdoor recreation
Stables (commercial)

(d) *Height regulations.*

- (1) No structure shall exceed 3 stories or 45 feet in height for the main building/house.
- (2) 45 feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any residential structure on the premises, and they are set back at least 100 feet or three times their height (whichever is greater) from any front, side or rear property line.

(e) *Area regulations.*

(1) *Front yard.*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 35 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

- b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 20 feet in width.
- c. There shall be a side yard on the street side of the structure of no less than 20 feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet for the main building.
- (4) *Lot area.*
 - a. The lot area shall be no less than 20,000 square feet.
 - b. The minimum lot width is 125 feet.
 - c. The minimum lot depth is 175 feet.

Sec. 12-3-4. RL Residential Lake Lots.

(a) In the RL residential lake lot district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures

Church/Place of worship

Community home

Community service

Family home

Industrialized housing

One-family dwelling

Park/Playground

School (K through 12)

Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling

Agriculture

Bed & breakfast/boarding house

Cemetery/Mausoleum

Funeral home

Communication antennas, support structures and towers

Outdoor recreation

(d) *Height regulations.* No structure shall exceed 2 1/2 stories or 35 feet in height for the main building/house.

(e) *Area regulations.*

(1) *Front yard.* On all lake lots, the front yard shall be that area adjacent to the shoreline. There shall be a front yard having a depth of not less than 50 feet for the main building as measured from the full pool elevation of 896.

(2) *Side yard.*

a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

b. In all other locations there shall be a side yard on each side of the structures of no less than 5 feet in width.

(3) *Rear yard.*

a. In all locations where building lines, setback lines or rear yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.

b. In all other locations the minimum rear yard setback shall be 5 feet.

(4) *Lot area.*

a. The minimum lot area – none specified.

b. The minimum lot width – none specified.

c. The minimum lot depth – none specified.

Sec. 12-3-5. R1 One-Family Residential.

(a) In the R-1 single-family residential district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures

Church/Place of worship

Community home

Community service

Family home

Industrialized housing

One-family dwelling

Park/Playground

School (K through 12)

Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Agriculture

Bed & breakfast/boarding house

Cemetery/Mausoleum

Communication antennas, support structures and towers

Outdoor recreation

(d) *Height regulations.* No structure shall exceed 2 1/2 stories or 35 feet in height for the main building/house.

(e) *Area regulations.*

(1) *Front yard.*

a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.

b. In all other locations the minimum front yard setback shall be 20 feet.

c. No accessory structures shall be located in front yards.

(2) *Side yard.*

a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 5 feet in width.

c. The minimum side yard setback to a street shall be 15 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet for the main building.

(4) *Lot area.*

a. The lot area shall be no less than 6,500 square feet.

b. The minimum lot width is 50 feet.

c. The minimum lot depth is 110 feet.

Sec. 12-3-6. R2 Two-Family Residential.

(a) In the R-2 two-family residential district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures

Church/Place of worship

Community home

Community service

Family home

Industrialized housing

One-family dwelling

Park/Playground

School (K through 12)

Two-family dwelling

Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling

Agriculture

Bed & breakfast/boarding house

Cemetery/Mausoleum

Communication antennas, support structures and towers

Outdoor recreation

(d) *Height regulations.*

(1) Single family detached. No structure shall exceed 2 1/2 stories or 35 feet in height for the main building/house.

(2) Single family attached. No structure shall exceed 3 stories or 45 feet in height for the main building/house.

(e) *Area regulations.*

(1) *Front yard.*

a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.

b. In all other locations the minimum front yard setback shall be 25 feet.

c. No accessory structures shall be located in front yards.

(2) *Side yard.*

a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

b. *Single family detached.* There shall be a minimum side yard on one side of the structures (interior) of no less than 10 feet in width, the adjacent side shall have a minimum side yard of 0 feet.

c. *Single family attached.* None specified.

d. *Duplex.* There shall be a minimum side yard on one side of the structures of no less than 0 feet in width where the duplex units join, the other side shall have a minimum side yard of 5 feet.

e. The minimum side yard setback to a street shall be 15 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet for the main building.

(5) *Lot area.*

a. *Single family detached lots.*

1. The lot area shall be no less than 4,500 square feet.
2. The minimum lot width is 40 feet.
3. The minimum lot depth is 100 feet.

b. *Single family attached lots.*

1. The lot area shall be no less than 3,000 square feet.
2. The minimum lot width is 30 feet.
3. The minimum lot depth is 100 feet.

c. *Duplex lots.*

1. The lot area shall be no less than 8,400 square feet for each duplex lot (4,200 square feet minimum for each dwelling unit).
2. The minimum lot width is 70 feet for each duplex lot (35 feet minimum for each dwelling unit).
3. The minimum lot depth is 100 feet.

Sec. 12-3-7. R3 Multifamily Residential.

(a) In the R-3 multifamily residential district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures

Bed & breakfast/boarding house

Church/Place of worship

Community home

Community service

Family home

Industrialized housing

Multifamily dwelling

One-family dwelling

Park/Playground

School (K through 12)

Two-family dwelling

Utilities (public)

(c) *Conditional uses.*

Accessory dwelling

Agriculture

Assisted living facility

Cemetery/Mausoleum

Child care facility

Civic clubs, halls & lodges

Communication antennas, support structures and towers

Convalescent/Nursing home

Medical service

Outdoor recreation

(d) *Height regulations.* No structure shall exceed 2 stories or 35 feet in height for the main building/house.

(e) *Area regulations.*

(1) *Front yard.*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 25 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.
- b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 10 feet in width.
- c. There shall be a side yard on the street side of the structure of no less than 20 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet for the main building.

(4) *Lot area.*

- a. The lot area shall be no less than 12,000 square feet with a 1 acre minimum project size.
- b. The minimum lot width is 70 feet.
- c. The minimum lot depth is 110 feet.
- d. The maximum density is 24 units per acre.

Sec. 12-3-8. CBD Central Business District.

(a) General purpose and description: The development standards in the CBD, Central Business district, are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the city in a "pedestrian friendly" environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the city. They are also intended to preserve and enhance the community's "small town" heritage and the unique character of the city's original business district.

(b) Permitted uses:

Accessory structures
Bed & breakfast/boarding house
Church/Place of worship
Civic clubs, halls & lodges
Community service
Convalescent/Nursing home
Multifamily dwelling
Office
Park/Playground
Professional service
Restaurant
Retail sales
School (K through 12)
Utilities (public)

(c) *Conditional uses*. (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling
Agriculture
Amusement services
Appliance repair
Assisted living facility
Cemetery/Mausoleum
Child care facility
Communication antennas, support structures and towers
Entertainment
Exhibition hall
Funeral Home
Hospital

Hotel/Motel
Kiosk (providing a service)
Market (public)
Medical service
Micro brewery (onsite mfg. & sales)
Motor vehicle repair
Motor vehicle service
One-family dwelling
Outdoor recreation
Pawn shop
Public garage/parking structure
Recycling kiosk
School, other
Telemarketing agency
Two-family dwelling
Veterinarian clinic

(d) Height regulations:

Maximum height:

- (1) Two stories or 35 feet for the main building(s).
- (2) One story for accessory buildings.
- (3) Other (Article V).

(e) Area regulations:

(1) Size of lot:

- a. Minimum lot area--none specified.
- b. Minimum lot width--none specified.
- c. Minimum lot depth--none specified.

(2) Size of yards:

- a. Minimum front yard--none specified.
- b. Minimum side yard--none specified.
- c. Minimum rear yard--none specified.

(3) Maximum lot coverage-- 100 percent including main and accessory buildings.

(4) Maximum floor-area-ratio (FAR)-- Three to one (3:1).

(5) Parking requirements:

No off-street parking shall be required. Every effort shall be made to establish off-street parking for all new structures within 200 feet of the site.

(f) Special requirements:

(1) For site redevelopment or new construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the site plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings, and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the downtown area.

The city manager (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the site plan review process.

(2) A public hearing is required by the planning and zoning board and the city council for all site plans within the CBD district. Development standards for all uses in the CBD district shall be established on the site plan and all supporting information will be required at the time of approval.

(3) Design Standards for the CBD District:

a. False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.

b. Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape (bright or fluorescent colors which were not typically used in early Texas downtowns shall not be used).

c. Reflective glass shall not be used for windows; detailing for windows, doors and other openings shall be of wood, glass or a metal material that is complementary to the period or building style.

d. Facade openings shall comprise at least 40 percent of the building's facade area.

e. Awnings/canopies:

1. Ratios --Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

2. Projection --Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet outward from the building face/surface.

- 3. Colors and materials --A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material that is complementary to the period or building style (metal or plastic shall be prohibited).
 - 4. Movement --Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
 - f. Overhead power lines--New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.
 - g. Pedestrian streetscape--Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
 - h. Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet from the building front/facade.
- (4) Open storage is prohibited in the CBD district.
- (5) Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be limited to the following:
- a. Shall not be placed/located more than 12 feet from the main building.
 - b. Shall not occupy any on-street or off-street parking spaces.
 - c. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).
 - d. Shall only be located in front of the property/business that is selling the item(s).
 - e. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
 - f. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (6) Architectural design--The architectural design of buildings and sites shall strive to achieve the following objectives:
- a. Architectural compatibility;
 - b. Human scale design;
 - c. Integration of uses;
 - d. Encouragement of pedestrian activity;
 - e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; and
 - f. Buildings that contain special architectural features to signify entrances;

All building materials shall be established on architectural elevations and supporting information.

(7) Other regulations--As established in the Development Standards, Article V.

Sec. 12-3-9. C1 Commercial.

(a) In the C1 Commercial district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures
Amusement services
Appliance repair
Assisted living facility
Bed & breakfast/boarding house
Child care facility
Church/Place of worship
Civic clubs, halls & lodges
Community service
Convalescent/Nursing home
Exhibition hall
Hospital
Market (public)
Medical service
Motor vehicle repair
Motor vehicle service
Office
Park/Playground
Pawn shop
Professional service
Restaurant
Retail sales
School (K through 12)
School, other
Utilities (public)
(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).
Accessory dwelling

Agriculture
Car wash
Cemetery/Mausoleum
Communication antennas, support structures and towers
Entertainment
Fair grounds/rodeo grounds
Funeral home
Hotel/Motel
Kiosk (providing a service)
Light manufacturing
Micro brewery (onsite mfg. & sales)
Mini-warehouse/self-storage
Motor vehicle rental
Motor vehicle sales
Multifamily dwelling
One-family dwelling
Outdoor recreation
Public garage/parking structure
Recycling kiosk
Taxidermist
Telemarketing agency
Veterinarian clinic
Warehouse/Office

(d) *Height regulations.* No structure shall exceed 2 stories or 35 feet in height for the main building.

(e) *Area regulations.*

(1) *Front yard:*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 25 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 10 feet in width.

c. For corner lots, there shall be a side yard on the street side of the structure of no less than 20 feet.

(3) *Rear yard.*

a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.

b. There shall be a rear yard having a depth of not less than 20 feet for the main building.

(4) *Lot area.*

a. Lot area – none specified.

b. Minimum lot width - none specified.

c. Minimum lot depth – none specified.

Sec. 12-3-10. C2 Commercial/Interstate.

(a) In the C2 Commercial interstate district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures

Amusement services

Appliance repair

Assisted living facility

Bed & breakfast/boarding house

Car wash

Child care facility

Church/Place of worship

Civic clubs, halls & lodges

Community service

Convalescent/Nursing home

Entertainment

Exhibition hall

Hospital

Hotel/Motel

Kiosk (providing a service)

Market (public)

Medical service

Motor vehicle repair
Motor vehicle service
Office
Park/Playground
Pawn shop
Professional service
Public garage/parking structure
Restaurant
Retail sales
School (K through 12)
School, other
Utilities (public)

(c) *Conditional uses.* (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling
Camp grounds
Cemetery/Mausoleum
Communication antennas, support structures and towers
Fair grounds/rodeo grounds
Funeral home
Light manufacturing
Micro brewery (onsite mfg. & sales)
Mini-warehouse/self-storage
Motor vehicle rental
Motor vehicle sales
Outdoor recreation
Recycling kiosk
Sand/Gravel/Caliche/Stone sales (storage)
Taxidermist
Telemarketing agency
Veterinarian clinic
Warehouse/Office

(d) *Height regulations.* No structure shall exceed 2 stories or 35 feet in height for the main building/house.

(e) *Area regulations.*

(1) *Front yard.*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 25 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.
- b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 10 feet in width.
- c. For corner lots there shall be a side yard on the street side of the structure of no less than 20 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet for the main building.

(4) *Lot area.*

- a. Lot area – none specified.
- b. Minimum lot width - none specified.
- c. Minimum lot depth – none specified.

Sec. 12-3-11. I Industrial.

(a) In the I Industrial district no building or premises shall be used and none shall be hereafter erected or altered unless otherwise provided in this chapter, and all buildings erected or altered shall conform to the following use, area and height regulations.

(b) *Permitted uses.*

Accessory structures
Amusement services
Appliance repair
Assisted living facility
Bed & breakfast/boarding house
Camp grounds
Car wash
Church/Place of worship
Civic clubs, halls & lodges
Community service
Convalescent/Nursing home

Entertainment

Fair grounds/rodeo grounds

Funeral home

Hospital

Hotel/Motel

Kiosk (providing a service)

Light manufacturing

Market (public)

Medical service

Micro brewery (onsite mfg. & sales)

Mini-warehouse/self-storage

Motor vehicle rental

Motor vehicle repair

Motor vehicle service

Office

Park/Playground

Professional service

Public garage/parking structure

Restaurant

Retail sales

Sand/Gravel/Caliche/Stone sales (storage)

School (K through 12)

School, other

Utilities (public)

Warehouse/Office

(C) *Conditional uses*. (Approval by the Planning and Zoning Board and the City Council is required).

Accessory dwelling

Agriculture

Cemetery/Mausoleum

Child care facility

Communication antennas, support structures and towers

Exhibition hall

Exploration and extraction of hydrocarbons, sand, gravel, caliche or stone

Heavy manufacturing

Motor vehicle sales
Motor vehicle salvage
Outdoor recreation
Pawn shop
Recycling kiosk
Sexually oriented business
Taxidermist
Telemarketing agency
Veterinarian clinic

(d) *Height regulations* – None specified.

(e) *Area regulations.*

(1) *Front yard.*

- a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations the minimum front yard setback shall be 50 feet.
- c. No accessory structures shall be located in front yards.

(2) *Side yard.*

- a. In all locations where building lines, or side lines on corner lots, are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum side yard shall be as shown on the plat.
- b. In all other locations there shall be a side yard on each side of the structures (interior) of no less than 25 feet in width.
- c. For corner lots there shall be a side yard on the street side of the structure of no less than 25 feet.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 25 feet for the main building.

(4) *Lot area.*

- a. Lot area – none specified.
- b. Minimum lot width – none specified.
- c. Minimum lot depth – none specified.

Sec. 12-3-12. Overlay and special districts.

Overlay districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect unless changed by zoning amendment in accordance with this ordinance. New base districts or changes in existing base districts may be requested at the same time overlay or special districts are requested.

(a) Conditional use provisions:

(1) Purpose and intent:

- a. A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use provision applications.
- b. No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a zoning district until a conditional use provision is issued in accordance with the provisions of this section.
- c. If a use is not listed as either a permitted use or conditional use in the district for which the subject property is located, a conditional use permit shall be required.

(2) Status of conditionally permitted uses:

The following general rules apply to all conditional uses:

- a. The designation of a use in a zoning district as a conditional use does not constitute an authorization or assurance that such use will be approved.
- b. Approval of a conditional use provision shall authorize only the particular use for which the CUP is issued.
- c. No use authorized by a conditional use provision shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use provision in accordance with the procedures set forth in this section.
- d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City Code of Ordinances, and any permits required by regional, state and federal agencies.

(4) Procedures for conditional use permits:

- a. Upon receipt of the recommendation from the city manager (or his/her designee), the planning and zoning board shall conduct a public hearing in order to formulate its recommendations to the city council on the conditional use provision application. Following the public hearing, the planning and zoning board shall recommend approval, approval subject to modification, or denial of the proposal to the city council in accordance with this ordinance. If the appropriateness of the use cannot be assured at the location, the planning and zoning board shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.
- b. The city council shall be the final decision-maker on applications for conditional use provisions. Following a public hearing and in consideration of the planning and zoning board's recommendation, the city council shall approve, modify or deny the proposal for a conditional use provision in accordance with this ordinance. If the appropriateness of the use cannot be assured at the location, the application for conditional use provision shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

(5) Standards:

a. When considering applications for a conditional use provision, the planning and zoning board in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning board and the city council shall specifically consider the extent to which:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;
2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this ordinance;
4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - i. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - ii. Off-street parking and loading areas;
 - iii. Refuse and service areas;
 - iv. Utilities with reference to location, availability, and compatibility;
 - v. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - vi. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - vii. Required yards and open space;
 - viii. Height and bulk of structures;
 - ix. Hours of operation;
 - x. Exterior construction material and building design; and
 - xi. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

b. In approving the application, the planning and zoning board may recommend and the city council shall impose such conditions as are reasonably necessary to assure compliance

with these standards and the purpose and intent of this section, in accordance with the procedures in this ordinance. Any conditions imposed shall be set forth in the ordinance approving the conditional use. The city shall maintain a record of such approved conditional uses and conditions attached thereto.

c. The foregoing standards of development shall not be subject to variances that otherwise could be granted by the board of adjustments, nor may conditions imposed by the city council subsequently be waived or varied by the Board. In conformity with the authority of the city council to authorize conditional uses, the city council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the city council shall not waive or modify any approval factor set forth in this section.

(6) Amendment:

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use provision, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the conditional use provision are amended accordingly.

(b) Historic overlay district:

(1) Purpose.

The City Council of Weatherford hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks or district of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Weatherford represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

- a. protect and enhance the landmarks and districts which represent distinctive elements of Weatherford's historic, architectural, and cultural heritage;
- b. foster civic pride in the accomplishments of the past;
- c. protect and enhance Weatherford's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- d. insure the harmonious, orderly, and efficient growth and development of the city;
- e. promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property within the city;
- f. encourage stabilization, restoration, and improvements of such properties and their values.

(2) Definitions.

Unless specifically noted otherwise, the following definitions are standard throughout this section:

Alteration. A physical change in or to a building.

Archeological resource. Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

Architectural control. Regulations governing the appearance or architectural style of buildings or structures. Architectural control is a form of aesthetic zoning.

Architectural feature. The architectural elements embodying style, design, general arrangement and components of the exterior of any building or structure, including, but not limited to, the kind, color, texture of the building materials, and the style and type of all windows, doors, lights, signs, and porches.

Comprehensive plan. A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community. Enabling statutes in many states require zoning to be in accordance with a comprehensive plan.

Certificate of appropriateness. The certificate issued by the city approving alteration, rehabilitation, construction, reconstruction, or improvement of a historic structure, historic or archeological site, or in a historic overlay district.

Certified local government. A federal government program authorized by the National Historic Preservation Act, 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government partnership.

Commission. The historic preservation commission created under this section.

Demolition by neglect. Improper maintenance, neglect in the maintenance of or lack of maintenance of any structure or property subject to designation or in a historic overlay district that results in deterioration of the structure and threatens the preservation of the structure.

Design review. The decision-making process conducted by an established review committee of a local government that is guided by the terms set in the historic preservation ordinance.

Design review guidelines. These are a set of guidelines adopted by the commission, as may be amended from time to time, detailing acceptable alterations of designated properties. They are usually generously illustrated and written in a manner that would be understood by most property owners.

Designation. The process by which the city council may designate certain buildings, land, areas, and districts in the city as historic overlay districts and define, amend and delineate the boundaries thereof.

District. A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Economic hardship. The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a property within a historic overlay district as required by the United States Supreme Court in Penn Central Transportation Company v. New York City, 438 U.S. 104 (1978) and subsequent decisions. A reasonable economic return does not have to be the most profitable return possible or allow the highest and best use of the property.

Historic preservation officer. The director of planning and development or his/her designee who shall serve as the historic preservation officer for the city and who shall oversee the historic preservation program for the city.

Historic property. A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic resource. This generally is the same as a historic property. It includes architectural, historical, and archeological properties as well as landscape features.

Integrity. The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory. A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Landmark. This refers to any individual building, structure, or object that is significant for historical, architectural, or archeological reasons.

National Register of Historic Places. A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archeological resources. The National Register Program is administered by the commission, by the state historic preservation office, and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

Object. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment, such as statuary in a designed landscape.

Ordinary maintenance. This generally refers to activities relating to a property that would be considered ordinary or common for maintaining the property, such as the replacement of a porch floor with identical or in-kind materials. It also may include other activities such as painting.

Overlay zones. A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Preservation. The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

Preservation planning. This refers to the planning for the continued identification and evaluation of historic properties and for their protection and enhancement. (National Register Bulletin 24, p. 61)

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Restoration. The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for the Treatment of Historic Properties. A federal document stating standards and guidelines for the appropriate rehabilitation, preservation, restoration, and reconstruction of historic buildings.

Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural or archeological value regardless of the value of any existing structure.

(3) Historic Preservation Commission

There is hereby created a commission to be known as the Weatherford Historic Preservation Commission.

- a. The Commission shall consist of seven (7) members to be appointed, to the extent available among the residents of the community, by a majority vote of the City Council as follows.

These are possible representatives:

at least one (1) shall be an architect, planner, or representative of a design profession;

at least one (1) shall be a historian;

at least one (1) shall be a licensed real estate broker;

at least one (1) shall be an attorney;

at least one (1) shall be an owner of a landmark or of a property in a historic district;

at least one (1) shall be a member of the Parker County Heritage Society or Parker County History & Heritage, Inc.;

at least one (1) shall be an archeologist or from a related discipline;

- b. All Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Weatherford.

- c. The Commission as a whole shall represent the ethnic makeup of the city.

- d. Commission members shall serve for a term of two (2) years, with the exception that the initial term of two (2) members shall be one (1) year, and three (3) members shall be three (3) years.

- e. The Chairman and Vice Chairman of the Commission shall be elected by and from the members of the Commission.

- f. The Commission shall be empowered to:

- i. Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the Commission.

- ii. Prepare rules and procedures as necessary to carry out the business of the Commission, which shall be ratified by the City Council.

- iii. Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by the City Council.

- iv. Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic district within the city.

- v. Recommend the designation of resources as landmarks and historic districts.

- vi. Create committees from among its membership and delegate to these committees responsibilities to carry out the purposes of this ordinance.
- vii. Maintain written minutes which record all actions taken by the Commission and the reasons for taking such actions.
- viii. Recommend conferral of recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.
- ix. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- x. Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- xi. Approve or disapprove of applications for certificates of appropriateness pursuant to this act.
- xii. Prepare and submit annually to the council a report summarizing the work completed during the previous year.
- xiii. Prepare specific design guidelines for the review of landmarks and districts.
- xiv. Recommend the acquisition of a landmark structure by the city government where its preservation is essential to the purpose of this act and where private preservation is not feasible.
- xv. Propose tax abatement programs or other financial incentives for landmarks or districts.
- xvi. Accept on behalf of the city government the donation of preservation easements and development rights as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Council.
- g. The Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman (or mayor) or on the written request of any two (2) Commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.
- h. A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership.

(4) Appointment of Historic Preservation Officer

The council or a designee shall appoint a qualified city official, staff person, or appropriate resident of the municipal entity to serve as historic preservation officer. This officer shall administer this ordinance and advise the Commission on matters submitted to it. In addition to serving as representative of the Commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

(5) Designation of Historic Landmarks

- a. These provisions pertaining to the designation of historic landmarks constitutes a part of the comprehensive zoning plan of the City of Weatherford.

b. Property owners of proposed historic landmarks shall be notified prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.

c. Upon recommendation of the Commission, the proposed historic landmark shall be submitted to the Zoning Board within thirty (30) days from the date of submittal of designation request. The Zoning Board shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Weatherford. The Zoning Board shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.

d. The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Zoning Commission. The City Council shall give notice, follow the publication procedure, hold hearing, and make its determination in the same manner as provided in the general zoning ordinance of the City of Weatherford.

e. Upon designation of a building, object, site or structure as a historic landmark or district, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Parker County, the tax records of the City of Weatherford, and the Parker County Appraisal District as well as the official zoning maps of the City of Weatherford. All zoning maps should indicate the designated landmarks with an appropriate mark.

(6) Designation of Historic Districts

a. These provisions pertaining to the designation of historic district constitute a part of the comprehensive zoning plan of the City of Weatherford.

b. Property owners within a proposed historic district shall be notified prior to the Commission hearing on the recommended designation. At the Commissioner's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district.

c. The Commission may recommend the designation of a district if it:

- i. Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and ,
- ii. Constitutes a distinct section of the city.

d. Upon recommendation of the Commission, the proposed historic district shall be submitted to the Zoning Board within thirty (30) days from the date of submittal of designation request. The Zoning Board shall give notice and conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission. Such hearing shall be in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of Weatherford. The Zoning Board shall make its recommendation to the City Council within forty-five (45) days subsequent to the hearing on the proposed designation.

e. The City Council shall schedule a hearing on the Commission's recommendation to be held within forty-five (45) days of receipt of the recommendation of the Zoning Board. The City Council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of Weatherford.

f. Upon designation of a historic district the City Council shall cause the designated boundaries to be recorded in the Official Public Records of real property of Parker County, the tax records of the City of Weatherford and the Parker County Appraisal District as well as the official zoning maps of the City of Weatherford. All zoning maps should indicate the designated historic district by an appropriate mark.

(7) Criteria for Designation of Historic Landmarks and Districts

A historic landmark or district may be designated if it:

- a. Possesses significance in history, architecture, archeology, and culture
- b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
- c. Is associated with events that have made a significant contribution in our past.
- d. Embodies the distinctive characteristics of a type, period, or method of construction.
- e. Represents the work of a master designer, builder, or craftsman.
- f. Represents an established and familiar visual feature of the city.

(8) Certificate of Appropriateness for Alteration or New Construction Affecting Landmarks or Historic Districts

No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historic landmark or any property within a historic district, which affect the appearance and cohesiveness of any historic landmark or any property within a historic district.

(9) Criteria for Approval of a Certificate of Appropriateness

In considering an application for a certificate of appropriateness, the Commission shall be guided by any adopted design guideline, and where applicable, the following from *The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings*. Any adopted design guideline and *Secretary of the Interior's Standards* shall be made available to the property owners of historic landmarks or within historic districts.

- a. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- b. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- c. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes

may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

j. Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

(10) Certification of Appropriateness Application Procedure

a. Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such a certificate with the Commission. The application shall contain:

i. Name, address, telephone number of applicant, detailed description of proposed work.

ii. Location and photograph(s), including [an] historical photograph(s) if available, of the property and adjacent properties.

iii. Elevation drawings of the proposed changes, if available.

iv. Samples of materials to be used.

v. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.

vi. Any other information which the Commission may deem necessary in order to visualize the proposed work.

b. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness

required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Weatherford.

c. The Commission shall review the application at a regularly scheduled meeting within sixty (60) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard. The Commission shall approve with modifications the permit within forty-five (45) days after the review meeting. In the event the Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.

d. All decisions of the Commission shall be in writing. The Commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriated departments, e.g., building inspection.

e. An applicant for a certificate of appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

(11) Certificate of Appropriateness Required for Demolition

A permit for the demolition of a historic landmark or property within a historic district, including secondary buildings and landscape features, shall not be granted by the building inspector without the review of a completed application for a certificate of appropriateness by the Commission, as provided for in subsections 7,8 and 9 of the ordinance.

(12) Economic Hardship Application Procedure

a. After receiving written notification from the Commission of the denial of certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.

b. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:

i. the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

ii. the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

iii. efforts to find a purchaser interested in acquiring the property and preserving it have failed.

c. The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

d. The Commission shall hold a public hearing on the application within sixty (60) days from the date the application is received by the (building inspector, preservation officer). Following the hearing, the Commission has thirty (30) days in which to prepare a written

recommendation to the building inspector. In the event that the Commission does not act within ninety (90) days of the receipt of the application, a permit may be granted.

e. All decisions of the Commission shall be in writing. A copy shall be provided to the applicant and a copy filed with the city clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

f. An applicant for a certificate of appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city.

(13) Enforcement

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission and verification by the building inspector, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.

(14) Ordinary Maintenance

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

(15) Demolition by Neglect

No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include:

- a. Deterioration of exterior walls or other vertical supports.
- b. Deterioration of roof or other horizontal members.
- c. Deterioration of exterior chimneys.
- d. Deterioration or crumbling of exterior stucco or mortar.
- e. Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

(16) Penalties

Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable for a misdemeanor charge, and be subject to a fine in a sum not to exceed two thousand dollars (\$2,000.00) for each day the violation continues.

(c) Planned Development district:

(1) *General purpose and description.* The purpose of the planned development regulations is to encourage flexibility in the use and development of land in order to promote its most appropriate use; to provide a high level of urban amenities; to preserve the quality of the natural environment; and to provide flexibility in the development of land subject to development standards coordinated with the provisions of necessary public services and facilities.

(2) *Pre-application review.* Prior to making an application to the Planning and Zoning Board, the application shall be reviewed by the DRC (Development Review Committee). There is no fee for this review. DRC review is for the purpose of providing information to the applicant prior to their entering into binding contractual commitments or incurring substantial expense in the preparation of plans, surveys or other data.

(3) *Application of planned development (PD) district provisions.* An application for a planned development district is a zoning change, and is therefore made to the Planning and Zoning Board and City Council in the same manner that an application for zoning change is made according to this ordinance.

a. The application for PD zoning shall be accompanied by a development site plan, the appropriate filing fee, along with a list of supplemental development regulations, which will become a part of the amending ordinance and be referenced on the zoning district map. Changes in the development site plan or supplemental development regulations shall be considered the same as changes in the zoning district map. The proposed application and site plan shall be processed as required except that minor changes, which do not cause any of the following circumstances to occur, may be authorized by the city manager or his/her designee:

1. A five percent (5%) or greater increase in the gross floor areas of structures;
2. Any substantial and material changes in external effects on adjacent property, such as noise, heat, light, glare and vibration;
3. A ten percent (10%) or greater increase in the height of structures;
4. A ten percent (10%) or greater reduction in the originally approved setbacks from property lines;
5. A five percent (5%) or greater reduction in the ratio of off-street parking and loading space; and/or
6. A change in the size, height, lighting, flashing, animation or orientation of originally approved signs, which were approved as part of the PD approval as a sign plan.

b. The city manager or his/her designee shall prepare a written report analyzing the development site plan, and such report shall be given to the Planning and Zoning Board and applicant prior to the public hearing. Upon recommendation for approval by the Planning and Zoning Board to the City Council, the request will be presented to the City Council for a first reading and a final reading.

c. **Effect of Planned Development (PD) District approval:** Approval of a Planned Development (PD) District shall constitute an amendment to the zoning ordinance. Designation of a property as a Planned Development (PD) District, in accordance with an approved development plan, shall supersede all existing and prior zoning classifications. Such property shall for zoning purposes be identified by the letters “PD” followed by an identifying number, assigned by the city manager or his/her designee.

(4) **Standards.** All Planned Development Districts shall, at a minimum, satisfy the following standards and requirements:

a. **Uses permitted.** The development plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses as are to be permitted, identified as permitted uses, conditional uses, and prohibited uses. The City Council may include or exclude uses from the development plan or include uses with attached conditions as appropriate to achieve the intent of these provisions.

In making its determinations of the uses to be permitted within the PD district, the City Council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PD District, the appropriateness of permitted uses for the area in general and their overall impact on the community, and the consistency of the permitted uses with other adopted plans and policies.

b. **Intensity of development.** The development plan shall contain provisions to regulate the intensity of development within the Planned Development (PD) District. Such provisions may apply to the project as a whole or to subareas within the project, as appropriate.

1. For non-residential development, the intensity of development may be regulated:

- i. By specifying an appropriate floor area ratio(s) (FAR);
- ii. By specifying maximum square footage or gross leasable area;
- iii. By specifying setbacks, height and bulk restrictions; or
- iv. By a combination of such restrictions for the project as a whole or for components or subareas within the project.

2. For residential development, the density of residential dwelling units within a PD shall be computed in accordance with a formula identified as part of the PD Development Plan. Such density formula shall be accompanied by supporting documentation and logic behind the density formula.

The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this title. The development plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding the distribution of residential densities, the City Council may consider compatibility of residential densities with other uses within the district as well as outside the district, the impact of residential densities on public facilities and services, and the consistency with the master plan, the comprehensive plan, and/or other adopted plans and policies.

c. **Bulk, area and height requirements.** The development plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the

project as appropriate. The City Council may impose alternate or additional standards or restrictions to achieve the intent of this article. In making its determination regarding such standards or restrictions, the City Council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies.

d. *Public facilities.* The development plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate. The City Council may impose conditions, restrictions and standards as appropriate to achieve the intent of this title. In making its determination regarding such conditions, restrictions and standards, the City Council may consider the adequacy of existing facilities, the timely provision of adequate facilities and the overall cost to the community.

e. *Access to public thoroughfares.* The development plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The City Council may impose such access standards and restrictions as necessary to protect the integrity and function of the city's thoroughfare system and to otherwise achieve the intent of this title. In making its determination regarding such access standards and restriction, the council may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.

f. *Off-street parking and loading requirements.* Unless specifically modified by the development plan, the off-street parking and loading requirements contained within the zoning regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.

g. *Signs.* Unless specifically modified by the development plan, the sign regulations contained within the zoning regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

h. *Perimeter treatment.* The development plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The council may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

(5) *Application Process.*

a. *Procedure.* Applications for Planned Development (PD) District designation shall be processed pursuant to a three-step review process as specified in this section. The three-step procedure shall include: 1) a pre-application conference with DRC (Development Review Committee); 2) a preliminary development plan (planning and zoning commission; and 3) a final development plan (city council).

b. *Pre-application conference.* The pre-application conference in an informal procedure to assist the applicant in meeting various requirements of the city and to provide an early preview of the application.

c. *Preliminary development plan.* Upon satisfying the pre-application conference requirement, an applicant may submit an application to the Planning and Zoning Board. The following information shall, at a minimum, be included in the application:

1. A legal description of the site proposed for PD designation, including a statement regarding present ownership and present zoning.
2. A master conceptual plan that indicates parcel, tract, or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.
3. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information required by this article or pertinent to a determination of compliance with this article.
4. A circulation plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The circulation plan may be included as part of the master conceptual plan.
5. An improvement plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of storm-water runoff; improvements to streets and roads; and any other physical improvements required to support the project.
6. A statistical summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of the development to the site size and location.
7. A parking analysis showing that the total parking demand for uses in the Planned Development District does not exceed the total supply of available parking spaces.
8. The following elements are optional at the request of the Planning and Zoning Board:
 - i. A sign plan which indicates the location, size and design and other pertinent provisions relating to signs within the project;
 - ii. A parking plan which shows the number of parking spaces as well as their general location and design;
 - iii. An environmental impact statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.

d. *Final development plan.* The City Council of the City of Weatherford, after public hearing and proper notice to all parties affected, and after recommendation of approval from the Planning and Zoning Board, shall review the Planned Development zoning request for final approval.

Chapter 4. Use Regulations

Sec. 12-4-1. Reserved.

Chapter 5. Development Standards

Sec. 12-5-1. Accessory building and use regulations.

- (a) In a single-family or multi-family district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.
- (b) In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.
- (c) Accessory dwelling units in the A Agricultural district shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family.
 - (1) The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed out of materials which aesthetically compliment the main structure.
 - (2) The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
- (d) Height regulations.
 - (1) A Agricultural district:
 - Accessory dwelling unit. Shall not exceed one story or twelve (12) feet in height.
 - Accessory structure. Shall not exceed 45 feet in height, provided they are no closer than 100 feet from any residential structure on the premises and they are set back at least 100 feet or three times their height (whichever is greater) from any front, side or rear property line.
 - (2) All other districts. No accessory structure shall exceed one story or twelve (12) feet in height.
- (e) Area regulations:
 - (1) Front yard:
 - a. In all locations where building lines, setback lines or front yard lines are shown on plats which have been recorded in the office of the recorder of deeds of the county, the minimum setback or front yard shall be as shown on the plat.
 - b. In all other locations, the minimum front yard setback shall be the same as for the main structure in the zoning district in which it is located.
 - (2) Side yard:

- a. In all locations where building lines, setback lines or side yard lines are shown on plats which have been recorded in the office of the recorder of deed of the county, the minimum setback or front yard shall be as shown on the plat.
- b. In all other locations, the minimum side yard setback shall be the same as for the main structure in the zoning district in which it is located.

(3) Rear yard. There shall be a rear yard having a depth of not less than 3 feet.

Sec. 12-5-2. Exterior construction and design requirements.

(a) Exterior construction standards and requirements:

(1) *Definitions:* For the purpose of this section, the following definitions shall apply:

- a. Masonry construction shall include all construction of stone material, brick material, concrete masonry units, or concrete panel construction, which is composed of solid, cavity, faced, or veneered-wall construction.

Standards for masonry construction:

1. Stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
2. Brick material shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick, and shall be Severe Weather (SW) grade, and Type FBA or FBS or better.
3. Concrete masonry units shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish as approved by the City Manager (or his/her designee). Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
4. Concrete panel finish, pre-cast panel, tilt wall, or cementitious composition reinforced panel construction shall be painted, fluted, or exposed aggregate. Smooth or untextured concrete finishes are not acceptable unless painted.

(b) Construction standards:

(1) Construction standards--The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the city.

a. Residential:

1. All one-family dwellings, two-family dwellings and townhomes shall be of exterior construction having at least seventy-five (75) percent of the total exterior walls above grade level and below the first floor plate line, excluding doors and windows, constructed of brick, stone, or material of equal characteristics. Strict adherence to this rule shall not be such as to prevent architectural creativity for alterations or repairs, or for residences located in a subdivision in which more than twenty-five (25) percent of the lots have been developed.

2. All principal buildings and structures located in multifamily dwelling districts shall be of exterior construction having at least seventy-five (75) percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, or other material of equal characteristics.

3. Exemptions:

- i. Accessory buildings one hundred twenty (120) square feet or less.
- ii. Provided the construction closely matches the aesthetics of the main structure, accessory buildings exceeding one hundred twenty (120) square feet, which are located on a premise in which the main structure is not in compliance with the exterior masonry requirements as contained herein.
- iii. Accessory structures on property of two (2) acres or more, located in AG Agricultural districts, provided that such structures are used solely for agricultural purposes.

b. Nonresidential:

1. All nonresidential structures shall be of exterior construction having at least seventy-five (75) percent of the total exterior walls above grade level, excluding doors and windows, constructed of the following materials:

Copper.

Limestone.

Rustic wood.

Stucco.

Tile.

Granite.

Marble.

Other stone materials as approved by the City Manager (or his/her designee).

Glass.

Strict adherence to this requirement shall not be such as to prevent architectural creativity for alterations or repairs, or for structures that are designed to meet franchise affiliation.

2. Temporary buildings and temporary building material storage areas to be used for construction purposes only, may be permitted in accordance with a permit issued by the Building Official and subject to periodic renewal by the Building Official for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices/buildings and material storage areas shall be removed to the satisfaction of the Building Official.

3. Temporary portable buildings, including overseas shipping containers, cargo or freight containers, PODS "portable on demand storage", and PSU's "portable storage units", may be permitted with a temporary container permit in accordance with the following stipulations:

- i. A temporary container permit must be applied for by the owner of the property that the portable storage container is proposed. The application shall require an exhibit showing the proposed location for the structure and the duration of its intended use. The permit application and associated fees shall be submitted through the planning and development department.
- ii. Temporary portable storage containers shall not be permitted on lots without a main structure.
- iii. No portable storage container shall have dimensions greater than 16 feet in length, eight feet in height or eight feet in width, nor contain more than 1024 cubic feet.
- iv. All portable storage containers shall be in a condition free from rust, peeling paint and other forms of deterioration.
- v. All portable storage containers must include a "placard" not less than one square foot which is clearly visible from the right-of-way which includes the container identification number, date of its placement on the property, date that removal will be required, permit number, and local telephone number.
- vi. Portable storage containers shall only be located on an improved surface.
- vii. Containers shall not be placed in required landscaped areas, open areas, retention basins, drive aisles, fire lanes, loading zones, required parking spaces, or other locations that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
- viii. Containers shall be a minimum ten feet from any property line.
- ix. Containers shall be allowed for no more than a total of fifteen (15) days in any consecutive six-month period, unless the property owner has a valid remodel permit or seasonal portable container permit, at which time the unit may remain on the property for the duration of the permit. No more than one (1) portable storage container shall be allowed per site.
- x. When not attended containers shall be secured from entry by children and general public.
- xi. Hazardous material shall not be stored in these containers.
- xii. A seasonal portable container permit may be applied for during the months of October through December allowing up to five (5) storage containers per site. This permit and associated fees shall be required to be updated annually. All other requirements stated above must be met by all portable storage containers.
- xiii. In residential districts, units shall be a minimum ten feet from any property line.

Sec. 12-5-3. Home occupations regulations.

(a) Standards for controlling home occupations are set forth to minimize possible impacts on neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

(b) Home occupations shall be permitted as an accessory use in all zoning districts provided that they comply with the following requirements:

- (1) The residential character of the dwelling shall not be changed by said use;
- (2) Such use shall be incidental and secondary to the main use of the premises, and shall not utilize floor area exceeding 20 percent of the combined gross floor area of the dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
- (3) The occupation shall not employ more than one person who is not a member of the household in which the home occupation occurs;
- (4) Not more than two patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
- (5) The operation shall be conducted entirely within the dwelling and/or accessory structure and the hours of operation shall fall between 8:00 a.m. and 10:00 p.m.;
- (6) One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
- (7) The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- (8) The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district; and
- (9) There shall be no public display of stock in trade upon the premises.

(c) Effect upon existing home occupations:

- (1) Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his/her business with the city within 90 days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, state or federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.
- (2) Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the city as described above.

Sec. 39. Off-street parking and loading requirements.

39.1 Purpose: To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

39.2 Residential districts--Special off-street parking provisions:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. All required vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the A and SF-RR districts.
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).

39.3 Nonresidential and MF districts--Special off-street parking provisions:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 46.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 39.10 (Fire Lanes).
- C. All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 2 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
 - 1. *Standard:* Nine feet by 18 feet.
 - 2. *Compact:* Nine feet by 16 feet; limited to a maximum of ten percent of the required number of parking spaces; must be clearly designated with appropriate signage (see Section 39.7 H).
 - 3. *Parallel:* Eight feet by 22 feet.
- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot minimum walkway width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.

G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.

H. Handicap parking space(s) and other associated provisions (e.g., clear and unobstructed pathways into building, crosswalks across parking lots, etc.) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).

I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

J. To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the city manager (or his/her designee).

K. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring eight feet by 20 feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces. One escape lane shall be provided.
3. For each service window of a drive-through restaurant, a minimum of six spaces shall be provided for the first vehicle stop (usually the menu/order board), and two spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three stacking spaces for each service window shall be provided.
5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three stacking spaces, in addition to the wash bay itself shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

7. For each wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself shall be provided. One stacking space shall be provided at the exit end of each wash bay for window drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.

8. For automobile quick-lube type facilities, a minimum of three stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

39.4 Off-street loading space--All districts:

A. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 3). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet by 45 feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

TABLE INSET:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000 square feet	None
10,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
Each additional 100,000 square feet	1 additional

B. In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street, and shall not be visible from any public street.

C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation on adjacent residences.

D. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

39.5 Parking access from a public street--All districts:

A. In the approval of a site plan, design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

B. In all districts (except single-family and duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city manager (or his/her designee).

1. Based upon analysis by the city, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.

C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as ahead-in" parking spaces that are accessed directly from the street.

D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 2.

39.6 Parking requirements based upon use:

A. In all districts except the central business district (CBD), there shall be provided at the time any building or structure is erected or structurally altered, or change of use, offstreet parking spaces in accordance with the following requirements:

1. Automobile parts sales (indoors): One space per 500 square feet of indoor floor area, plus one space for each 2,000 square feet of outside sales area.
2. Automobile sales or service: See motor-vehicle sales.
3. Bank, savings and loan, or similar institution: One space per 250 square feet of gross floor area in addition to required stacking spaces (see Subsection 39.3 K).
4. Bed and breakfast facility: One space per guest room in addition to the requirements for a normal residential use.
5. Bowling alley or center: Six parking spaces for each alley or lane.
6. Business or professional office (general): One space per 300 square feet of gross floor area, except as otherwise specified herein.
7. Car wash (self-serve): One space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; Car wash (full service): One space per 150 square feet of floor area in addition to the required stacking spaces (also see Subsection 39.3 K).
8. Church, rectory, or other place of worship: One parking space for each three seats in the main auditorium/sanctuary (see Subsection 39.7 B).
9. Commercial amusement (indoor): One space per 100 square feet of gross floor area, or as follows:
 - a. Racquetball or handball courts--Three spaces for each court.
 - b. Indoor tennis courts--Six spaces for each court.

- c. Gymnasium, skating rinks, and martial arts schools--One space for each three seats at a maximum seating capacity (based upon maximum occupancy), plus one space for each 200 square feet.
 - d. Swimming pool--One space for each 100 square feet of gross water surface and deck area.
 - e. Weight lifting or exercise areas--One space for each 100 square feet.
 - f. Indoor jogging or running tracks--One space for each 100 linear feet.
 - g. Motion picture theaters (which do not include live performances): a) one space per three and one-half (32) seats for single-screen theaters; b) one space per five seats for motion picture theaters with two or more screens (see Subsection 39.7 B).
 - h. Amusement center--One space for each game table and one space for each amusement device.
 - i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
10. Commercial amusement (outdoor): Ten spaces plus one space for each 500 square feet over 5,000 square feet of building and recreational area.
11. Commercial use: One space per 250 square feet of floor area.
12. Community center, library, museum or art gallery: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains (see Subsection 39.7 B).
13. Convenience store (with gasoline pumps): One space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 39.3 K).
14. Dance/aerobics studio, or assembly/exhibition hall without fixed seats: One parking space for each 100 square feet of floor area thereof.
15. Day nursery, day care center: One space per ten pupils (based upon maximum occupancy and/or licensing capacity), plus one space per teacher, plus one space for each bus or van stored on the property (and sized to accommodate the vehicle).
16. Defensive driving school/class: One space for each classroom seat (see Subsection 39.7 B).
17. Fast-food or drive-in restaurant: One parking space per 100 square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one space for every three seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 39.3 K).

18. Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000 square feet.
19. Gasoline station: One space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 39.3 K).
20. Golf course: Four parking spaces per hole or green plus requirements for retail, office, and club house areas and one space per each two employees.
21. Golf driving range: One and one-half spaces for each driving tee.
22. Health club, health spa or exercise club: One space per 150 square feet of floor area.
23. Hospital: One space for each two beds or examination room, whichever is applicable; plus one space for every two employees during periods of full occupancy.
24. Hotel or motel: One space per room for the first 250 rooms and .75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas.
 - a. One and one-tenth spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
 - b. Two spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
 - c. One space for every two employees during peak (i.e., busiest) time periods when the hotel/motel is fully occupied.
25. Institutions of a philanthropic nature: Ten spaces plus one space for each employee.
26. Library or museum: Ten spaces plus one space for every 300 square feet.
27. Lodge or fraternal organization: One space per 200 square feet.
28. Lumber yard/home improvement center: One space per 400 square feet display area, plus one space per 1,000 square feet of warehouse.
29. Manufactured/mobile home or manufactured/mobile home park: Two spaces for each manufactured/mobile home unit, plus visitor/supplemental parking in accordance with Subsection 23.4(B), plus additional spaces as required herein for accessory uses.
30. Medical or dental office: One space per 200 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
31. Mini-warehouse: Four spaces per establishment plus one additional space per 10,000 square feet of storage area.
32. Mortuary or funeral home: One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary (see Subsection 39.7 B), whichever is greater. Adequate onsite stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

33. Motor-vehicle rental: One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas.
34. Motor-vehicle sales and new or used car lots: One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors), plus one parking space per service/towing vehicle to be stored onsite (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).
35. Nursing home, convalescent home, or home for the aged: One space per six beds; plus one parking space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one space for every two employees at full occupancy.
36. Office (administrative or professional): One space for each 300 square feet of floor area.
37. Outdoor display: One space for each 600 square feet of open sales/display area.
38. Pawn shop: One space for each 200 square feet of floor area.
39. Places of public assembly not listed: One space for each three seats provided (see Subsection 39.7 B).
40. Real estate office: One space for each 200 square feet.
41. Restaurant, private club, night club, cafe or similar recreation or amusement establishment: One parking space for each 100 square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one space for every three seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 39.3 K).
42. Retail or personal service establishment, except as otherwise specified herein: One space per 200 square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 39.3 K).
43. Retirement housing for the elderly (independent living): One and one-half spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.
44. Rooming or boarding house: One parking space for each sleeping room, plus one parking space for each host resident or employee during maximum (i.e., peak) shift.
45. School, elementary (grades K-6): One parking space for each 15 students (design capacity).
46. School, secondary or middle (grades 7-8): One parking space for each 12 students (design capacity).
47. School, high school (grades 9-12): One space for each three students, faculty and staff (design capacity).
48. School, stadium: One parking space for each five seats or bench seating spaces (see Subsection 39.7 B).

49. Storage or warehousing: One space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater.

50. Telemarketing: One space for each 250 square feet of floor space.

51. Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium or school stadium): One parking space for each three seats or bench seating spaces (see Subsection 39.7 B).

52. Veterinarian clinic: One space per 300 square feet of gross floor space.

53. Warehouse or wholesale type uses: One space for 5,000 square feet of gross floor area.

39.7 Rules for computing number of parking spaces: In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

A. "Floor area" shall mean the gross floor area of the specific use.

B. "Seat" shall be interpreted as follows:

1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and

2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight square feet of floor area occupied by such seating area (includes aisles).

C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.

D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the city manager (or his/her designee) in accordance with the requirements for the most closely related use specified in this section. In the event the applicant disagrees with this determination, then he/she may submit a request for determination by the planning and zoning board and the city council using the same process as provided in Section 38.1 D for classifying new and unlisted uses.

E. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

F. For buildings that have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.

G. Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to 50 percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the city manager (or his/her designee). To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Weatherford.

H. Compact car spaces. In the NS, GR, C and CBD districts only, compact car parking spaces may be permitted when approved as part of a detailed site plan by the planning and zoning board and the city council, providing one of the following conditions apply:

1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent of required parking may be designated for compact cars.
2. On parking lots larger than 50 spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of ten percent of the required parking may be for compact cars.
3. On parking lots larger than 50 spaces involving a shopping center, a maximum of ten percent of the required parking may be for compact cars.

39.8 Location of parking spaces: All parking spaces required herein shall be located on the same lot (and within 150 feet, in the case of nonresidential buildings/uses) of the building or use served, except as follows:

A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required additional spaces may be located not to exceed 300 feet from any nonresidential building served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the planning and zoning board and the city council is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within 150 feet of such building or structure providing:
 - a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of such use, or
 - b. That a long-term remote parking lease agreement be provided upon approval by the city as a condition of such use.

39.9 Use of required parking spaces, non-residential districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

39.10 Fire lanes:

A. Fire lanes shall be provided in all multi-family (and in some single-family attached), manufactured home, and nonresidential developments, as required by the adopted Fire Code [verify this with the city] of the city (also see the Subdivision Ordinance for certain fire lane regulations). Fire lanes shall be a minimum width of 24 feet of paving, and shall have a minimum inside turning radius at curves of 20 feet, or as required by the Fire Code and/or the Fire Chief of the City of Weatherford. The minimum overhead vertical clearance over fire lanes shall be 14 feet for a linear distance of 50 feet on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhang, vertical height control device, etc.).

Sec. 12-5-5. Landscape requirements.

(a) Enforcement, violations and penalty:

(1) Administration. The provisions of this article shall be administered by the City Manager or his/her designee.

(2) Penalty. Any person who violates, neglects, or refuses to comply with any provisions of this article, or any owner or general agent of a building or premises where a violation of any provision of the article has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violations have been committed or exist, or any contractor or craftsman who violates, neglects, allows to exist, or refuses to comply with any provisions of this article, or the owner, general agent, contractor, lessee or tenant of any part of the building in which such violation has been committed or exists, or who commits, takes part in or assists in such violations, shall be in violation of this section.

(b) Purpose. The purpose of this Section is:

(1) To provide quality visual appeal to buildings and paved areas through the use of trees, shrubs, and plants.

(2) To encourage areas of established native trees and shrubs to be preserved within a project development site and to properly protect preserved areas during construction.

(3) To preserve healthy environmental conditions by providing shade, air purification and oxygen generation, groundwater recharge, storm water runoff retardation, and noise, glare and heat abatement through preservation of areas of native trees and shrubs and through the installation of new landscape.

(4) To buffer uncomplimentary land uses.

(5) To require timely replacement of landscape components lost after installation.

(c) Applicability. Landscaping, consisting of trees, shrubs, ground cover, and screening shall be required, in accordance with this section, for all new construction. All plans submitted in support of a building permit shall include a landscape plan, which shall include all elements in accordance with the specifications on file at the Planning and Development Department.

(d) General standards. The following criteria shall apply to all landscaping materials and installations:

(1) Quality. All trees and shrubs used in conformance with the provisions of this section shall have well developed leaders and tops and roots characteristic of the species, cultivar or variety and shall show evidence of proper nursery pruning. All plant materials shall be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.

(2) Coverage. Grass, ground cover, shrubs and other living landscaping material shall be used to cover all ground. Landscaping material, such as mulch, bark, and decorative rock, can be incorporated into a landscape plan, where appropriate.

(3) Trees. All new trees shall be of a species common to this area of North Texas, in accordance with the tree list on file in the Planning and Development Department. Caliper measurements shall be taken at a point six inches (6") above grade. Trees shall have the following minimum characteristics:

a. Canopy trees grow to a minimum height of twelve feet (12') at maturity. All canopy trees shall have a minimum caliper of two inches (2") at time of planting.

- b. Understory trees shall have a maximum height of thirty feet (30') at maturity. All understory trees shall have a minimum caliper of one and one-half inches (1 ½") at time of planting.
 - c. Ornamental trees shall have a minimum caliper of one inch (1") at time of planting.
 - d. Evergreen or conifer trees shall have a minimum height of twelve feet (12') at maturity. All evergreen or conifer trees shall be at least four feet (4') in height at time of planting.
- (4) Shrubs and hedges. Shrubs shall be a minimum of eighteen inches (18") in height at time of planting. Hedges shall be planted and maintained to form a continuous, unbroken, visual screen, which will be a minimum of three feet (3') in height within one (1) year of planting.
- (5) Ground cover. Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage.
- (6) Grass. Grass may be sodded, plugged, sprigged or seeded. In swales, berms, or other areas subject to erosion, solid sod shall be used.
- (e) One and Two-family residential landscaping requirements. Residential landscape areas shall contain (2) two canopy trees, two (2) understory, ornamental or evergreen trees and eight (8) shrubs per one hundred (100) linear feet, or portion thereof, of front yard street frontage. Where this street frontage is fifty (50) linear feet or less, only one (1) canopy, understory, ornamental or evergreen tree and four (4) shrubs are required.
- (f) Multifamily and non-residential landscaping requirements. The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria:
- (1) Interior landscaping:
 - a. A minimum of two hundred fifty (250) square feet of area for every ten (10) parking spaces shall be devoted to living landscaping, which includes grass, ground cover, plants, shrubs and trees.
 - b. Where a lot has frontage on more than one street, the required interior landscaping shall be distributed proportionately to the number of parking spaces located between each building line and its adjacent street line. These plantings shall be grouped in such a way as to provide visual relief to those building elevations, which are viewed by the general public.
 - c. Interior landscape areas shall be protected from vehicular encroachment or overhang by way of curbs or other means approved by the City Engineer.
 - d. There shall be a minimum of one (1) canopy, understory, or ornamental tree planted for each fifteen (15) parking spaces, or fraction thereof. For every tree planted, four (4) shrubs shall be planted. The planted areas shall be sodded or mulched.
 - e. Interior planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting. Interior planting areas shall be located within seventy-five feet (75') of any parking space.
 - (2) Perimeter landscaping:
 - a. A minimum of one (1) canopy tree, understory, ornamental or evergreen tree and four (4) shrubs shall be required as perimeter landscaping per one hundred (100) linear feet of street frontage.

- b. Perimeter landscaping shall be located within the front and side yard setback between each building line and its adjacent street line.
 - c. When pre-approved by the City Manager or his/her designee, and where public easements or other conditions, not under the control of the developer, would not allow for the planting of trees, each required tree may be replaced by eight (8) shrubs or eight (8) perennial bed plantings, each a minimum of one-gallon size at planting.
 - d. Where a perimeter landscape area is less than fifty (50) linear feet, only one canopy, understory, ornamental or evergreen tree and two (2) shrubs is required. In lieu of the tree installation, a total of four (4) shrubs may be substituted. Required trees and shrubs may be clustered to allow for the most effective use of landscaping.
 - e. Perimeter planting areas shall be a minimum of one hundred (100) square feet for each understory tree and two hundred (200) square feet for each canopy tree dimensioned in such a way as to provide a suitable area for planting.
 - f. All other disturbed areas shall be landscaped with grass or other ground cover.
- (3) Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five feet (5') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area.
- (4) Necessary access ways from the public right-of-way shall be permitted to pass through all landscaping.
- (5) Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
- (h) Buffering and screening requirements:
- (1) All plans submitted as part of a building permit or conditional use permit application shall include a detailed drawing of applicable screening methods in accordance with this section. No buffer or screening requirement located on an adjacent property may be utilized as a portion of any required buffer or screen.
 - a. Trash bins and storage areas. Trash bins and storage areas located in multi-family and non-residential zoning districts shall be enclosed with either a permanent wall or solid fence.
 - b. Parking lot screening on rear and side yards. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side or rear yard which abuts a residentially zoned lot.
 - c. At the time of development of property zoned C1, C2, or I, a buffer or screen shall be provided along all common property lines between the commercial development and any residential zoning district.
 - (2) A screen shall consist of a screen wall, fence, earth berm, or densely planted evergreens to effectively restrict fifty percent (50%) to seventy-five percent (75%) of the view to adjoining property to a height of not less than eight feet (8').
 - (3) For the purposes of this section the following terms shall be deemed to have the meaning indicated below:

Berms. A screen constructed of earthen materials, which shall not exceed a slope steeper than two and one half feet (2 ½') horizontal to one foot (1') vertical. A berm shall be so designed that

drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide topsoil stabilization. Berms shall not exceed eight feet (8') in height.

Fence, open. An open weave or mesh type fence, constructed of wood or other approved materials, which shall be not less than six feet (6') nor more than eight feet (8') in height.

Fence, solid. A fence, constructed of wood or other approved material, which shall not be less than six feet (6') nor more than eight feet (8') in height.

Retaining wall. A structure constructed or erected between lands of different elevations. A retaining wall, which directly abuts and faces a residential zoning district, shall not have an exposed wall face greater than eight feet (8') in height. A retaining wall, which directly abuts and faces any zoning district, other than residential, shall not have an exposed wall face greater than twelve feet (12') in height. When special property conditions exist, which make it unfeasible to meet these requirements, applicants may present alternative recommendations to the development review committee (DRC) for consideration. The recommendation of DRC shall be presented to the City Manager or his/her designee for consideration. No permit for any alternative method shall be issued without final approval from the City Manager or his/her designee.

Walls. A screen consisting of concrete, stone, brick, tile or other approved solid masonry material, which shall be not less than six feet (6') nor more than eight feet (8') in height.

(i) Exceptions.

(1) Sight triangle. On a corner lot in any district, no planting, berm, fence or wall shall be placed in such a manner as to impede vision within the intersection clear sight triangle as shown in the City of Weatherford Design Criteria for Public Improvement Projects, on file in the office of the City Engineer.

(2) Special circumstances. When circumstances prevent appropriate installation of landscaping to satisfy these requirements, the City Manager or his/her designee may approve an application, upon review and recommendation from the DRC providing an alternative method of compliance.

(3) Exemption for property in Central Business District. Due to the unique nature of those properties in the CBD, the City Manager or his/her designee shall have full authority to exempt developments from the requirements of this section.

(j) Unauthorized removal. No required screening, landscaping, or landscape buffer shall be removed from any multi-family or non-residential property without first obtaining a permit, by submitting and obtaining approval of a landscaping plan, which provides for replacement conforming to all provisions of this section.

(k) Security, maintenance.

(1) Landscaping to be in place prior to issuance of Certificate of Occupancy (CO). All landscaping and screening material, living and nonliving, shall be healthy and in place prior to issuance of the CO. If seasonal limitations prevent planting, and if security, as described herein, is provided, a CO may be issued.

(2) Security required. Security in the form of cash, a performance bond, cashier's check, or irrevocable letter of credit, in an amount equal to the cost of the landscaping and installation costs shall be provided by the permittee, prior to issuance of the CO. Upon completion of the

landscaping, with final approval by the City Manager or his/her designee, the security will be returned to the permittee. Should the permittee fail to complete the required landscaping as required by the plan submitted and approved, the city shall use the security to complete the landscaping as required by the plan. Any excess from the security not used to complete the landscaping shall be returned to the permittee.

(3) Maintenance.

- a. The owner of the property shall be responsible for maintaining the landscaping required by this section. Plant material shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant materials, which die, shall be replaced with healthy plant material of similar variety and meeting the size requirements contained herein.
- b. The developer, his/her successor and/or subsequent owners and their agents shall be responsible for the continued maintenance of landscaping.
- c. Plant materials, which exhibit evidence of insects, pests, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
- d. All landscaping shall be subject to periodic inspection.
- e. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this section.
- f. No open burning of brush, timber and/or vegetation, except at permitted by the Weatherford Fire Department, shall be allowed.
- g. All required landscaped areas located within all multi-family and non-residential zoning districts shall be irrigated with an in ground, automated sprinkler or drip irrigation system that use rain and freeze sensors.
- h. All required landscaped areas located within any single-family or two-family residential zoning district shall be irrigated with an in ground sprinkler or drip irrigation system that use rain and freeze sensors, or have other irrigation means available, such as a water faucet or bibcock.

(l) Exemption of rights-of-way and utility easements. Public road rights-of-way and utility easements are exempt from the provisions of this section.

(m) Existing developed areas. As of the effective date of this ordinance, all property currently under development and not in compliance with the provisions of this section, shall be considered legal nonconforming and allowed to continue, so long as no building permit is issued for enlargement of a structure. At the time that such a permit is issued, the following requirements shall be met:

- (1) No additional landscaping areas shall be required, if existing buildings and structures are replaced with new buildings or structures, with the same total floor space, provided a building permit for replacement is applied for, within one (1) year after the existing buildings are removed.
- (2) No additional landscaping areas shall be required, if a use expands into or is established in existing floor area that was previously unfinished or otherwise not available for occupancy.
- (3) No additional landscaping areas shall be required if:

- a. The lot is enlarged by less than twenty five percent (25%) of the existing lot, or by less than twenty thousand (20000) square feet, whichever is greater; or
- b. The new floor area is enlarged by less than twenty five percent (25%) of the existing floor area or by less than two thousand (2000) square feet, whichever is greater.
- c. If the enlargement exceeds a or b of this section, one hundred percent (100%) of the landscape designated by the zoning district is required.

(n) Approved plant list. Approved plants shall be those identified in either the Recommended List of Native Plants for Landscape Use in North Central Texas, as provided by the North Central Chapter of the Native Plant Society of Texas, or the Texas SmartScape database, managed by Texas A&M University.

<http://www.npsot.org/NorthCentralTexas/>

http://www.txsmartscape.com/plant_search/search_main.asp

Sec. 12-5-6. Performance standards.

In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State and/or Federal agencies. All uses, including those that may be allowed in PD Planned Development zoning districts or by Conditional Use Permit unless expressly provided for otherwise, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

All federal and state pollution, noise, and requirements for toxic waste disposal shall be observed.

(a) Noise: At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table:

(1) Maximum permissible daytime* octave band:

TABLE INSET:

Decibel Limits at the Bounding Property Line**									
Octave Band	37	75	150	300	600	1200	2400	4800	A
(cps)	75	150	300	600	1200	2400	4800	9600	Scale
Decibel Band Limit (db re 0.0002 Microbar	86	76	70	65	63	58	55	53	65

Note -- "A scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

* "Daytime" shall refer to the hours between sunrise and sunset on any given day.

** "Bounding property line" shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

(2) The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards:

- a. When noise is present at nighttime, subtract (-7db.)
- b. When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7db.)
- c. When noise is present for not more than the following, add (+10db):
 - d. 2 minute in any 2 hour period
 - e. 1 minute in any 1 hour period
 - f. 10 minutes in any 2 hour period
 - g. 20 minutes in any 4 hour period

(3) Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.

(4) Exemptions. The following uses and activities shall be exempt from the noise level regulations herein specified.

- a. Noises not directly under control of the property user.
- b. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
- c. Noises of safety signals, warning devices and emergency pressure relief valves.
- d. Transient noise of moving sources such as automobiles, trucks, and airplanes.

(b) Smoke and particulate matter: No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

(1) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and 3-1302-2 shall not apply.

(2) The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.

(3) Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air.

(c) Odorous matter:

(1) No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.

(2) The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials A.S.T.M.D. 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

(d) Fire or explosive hazard material:

(1) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Chief of the City of Weatherford.

(2) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Weatherford Fire Code or are approved by the fire chief.

(e) Toxic and noxious matter:

No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

(f) Vibration:

No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

TABLE INSET:

Frequency Cycles Per Second	Displacement in Inches
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

(g) Lighting and glare standards:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow

reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

(1) Nonresidential site lighting and glare standards:

a. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

b. All off-street parking areas for non-residential uses in non-residential districts that are used after dark shall be illuminated beginning one-half hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity:

i. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third of the average, whichever is greater.

ii. Illumination shall not exceed an average of one foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. Height:

i. On tracts or lots over three acres in size, the maximum height for poles with lights is 35 feet.

ii. On tracts or lots less than three acres, the maximum height of poles with lights is 35 feet.

iii. Special lighting or lighting higher than 35 feet may be approved as specifically noted on a site plan.

(2) Residential lighting and glare standards:

Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

a. Direct lighting over ten feet in height is shielded from adjacent property.

b. No light source shall exceed 25 feet in height. Street lights and other traffic safety lighting are exempt from this standard.

c. Lighting shall not directly shine on adjacent dwellings.

(3) Luminaires:

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of

adjacent properties and boundary streets. Bare bulbs above 75 watts and strings of lamps are prohibited, except for temporary lighting as provided in 46.5 below.

(4) Special or temporary lighting--Low wattage:

Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of 45 days for each holiday used.

Sec. 48. Sign regulations.

48.1 General purpose and description: Signs use private land near the public rights-of way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

A. *Safety:* To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
2. Do not obstruct fire fighting or police surveillance; and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. *Communication efficiency:* To promote the efficient transfer of information in sign messages by providing that:

1. Businesses and services may identify themselves;
2. Customers and other persons may locate a business or service;
3. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
4. Persons exposed to signs are not overwhelmed by the number of messages presented.

C. *Community image:* To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:

1. Do not create a nuisance to persons using the public rights-of-way;
2. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
3. Are not detrimental to land or property values.

48.2 Administration: The provisions of this section shall be administered and enforced by the Building Official, Planning Director, or a designated representative of the City of Weatherford. The permittee, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure upon which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this section.

48.3 Permit procedures, fees, and inspections:

A. *Requirements:* It shall be unlawful for any person to erect, replace, enlarge or relocate any type of permanent sign within the city without first obtaining a permit to do so from the Building Inspections Department of the City of Weatherford. All sign construction shall conform to the city's adopted building code.

B. *Applications for permits:* All applications for permits shall include a drawing to scale of the proposed sign (including size, colors and design) and all existing signs maintained on the premises and visible from the right-of-way, a drawing(s) of the lot plan and/or building facade indicating the proposed location(s) of the sign, and sign specifications. Applications shall be made to the building official on forms provided by the city. If a site plan is required, the sign location shall also be shown on the site plan drawing.

C. *Fee required:* Fees for a permit to erect, alter, replace or relocate a sign shall be as provided by separate minute order of the city council.

D. *Repair permit (nonconforming signs):* It shall be unlawful for any person to repair or make alterations to any nonconforming sign without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided by separate minute order of the city council.

E. *Permit revocable:* The building official may suspend or revoke any permit issued under the provisions of this section whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this section or any other ordinance of the City of Weatherford or the laws of this state or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within 15 days of written notice of the revocation.

F. *Inspections:*

1. All signs may be subject to inspection by the building official and/or his designee.
2. Footing inspections may be required by the building official for all signs having footings.
3. All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency.
4. The building official may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any city ordinance.
5. The building official may inspect annually, or at such other times as deemed necessary, each sign regulated by this section for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair.

G. *Electrical permit:* Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. No sign shall be erected in violation of the city's adopted electrical code. The electrical power supply for a sign must be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., it cannot be strung as an overhead line). No temporary electrical service for signs shall be allowed.

48.4 *Definitions:* The following definitions are generally specific to this section of the Zoning Ordinance (Section 48). Definitions of other terms used within this section may be found in Section 49 of the Zoning Ordinance.

A. *Abandoned sign:* A sign structure which has ceased to be used, and the owner intends no longer to use, for the display of sign copy, or as otherwise defined by state law.

- B. *Alter*: To change the size, shape or outline, intent or type of sign.
- C. *Animated sign*: A sign employing actual motion or the illusion of motion; such motion may be environmentally and/or electrically activated.
- D. *Attached sign*: A sign permanently anchored or moored to a structure, including but not limited to awning signs, wall signs, canopy signs, and roof signs. Refer to the Sign Chart, Section 48.5, for related requirements.
- E. *Awning*: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.
- F. *Awning sign*: A sign placed upon or incorporated as an integral part of the face of an awning. Refer to the Sign Chart, Section 48.5, for requirements.
- G. *Banner*: A type of portable sign that is generally constructed of lightweight plastic, fabric or a similar non-rigid material, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A banner typically exhibits a text message and/or a symbol(s) for the business located on the property, or for a product or service provided by that business. National/state or local government flags are not considered banners (see flag). (Also see portable sign.)
- H. *Billboard sign*: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premise). Refer to the Sign Chart, Section 48.5, for requirements.
- I. *Bulletin board*: A permanent sign that identifies an institutional use of the premises of which said sign is located and that contains the name of the institution and general announcements of events or activities occurring at the institution, or similar messages. Refer to the Sign Chart, Section 48.5, for requirements.
- J. *Canopy*: A roof-like structure that is supported by one or more columns or by the building to which it is accessory; such a structure generally open on two or more sides. Examples of ways in which a canopy could be utilized include a gasoline pump island and an eating establishment drive-in service.
- K. *Canopy sign*: A sign placed upon or incorporated as an integral part of the face of a canopy. Refer to the Sign Chart, Section 48.5, for requirements.
- L. *Changeable message sign* (also called reader-board sign): A marquee-type sign having alternating electronic data, messages and/or control components.
- M. *Development sign*: A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located. Refer to the Sign Chart, Section 48.5, for requirements.
- N. *Dilapidated or deteriorated condition*: Dilapidated or deteriorated condition shall include instances where:
1. Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface; or

2. The structural support or frame members are visibly bent, broken, dented or torn; or
 3. The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
 4. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support); or
 5. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
 6. The sign and/or its elements are not in compliance with the requirements of the city's building code, electrical code, and/or other applicable adopted city codes.
- O. *Directional sign*: Any sign that is designed and erected for the purpose of providing on-site direction and/or orientation for pedestrian or vehicular traffic. Refer to the Sign Chart, Section 48.5, for requirements.
- P. *Erect*: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- Q. *Face panel or surface*: A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.
- R. *Flag*: A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit entity.
- S. *Framework*: A support structure that meets all existing wind and load requirements as stated in applicable Weatherford Codes and Ordinances, and which is designed to secure a banner or an interchangeable sign on any or all sides.
- T. *Garage sale sign*: Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization. Refer to the Sign Chart, Section 48.5, for requirements.
- U. *Illegal conforming sign*: A sign erected within the city that meets current sign regulations but does not have a required permit.
- V. *Illegal nonconforming sign*: A sign erected within the city that does not meet current sign regulations and does not have a required permit.
- W. *Illegal sign*: A sign that was erected in violation of any regulation applicable at the time of erection of such sign. Any sign that does not comply with the provisions of the City of Weatherford's sign regulations.
- X. *Legal sign*: A sign that, when erected, has met all Weatherford codes and ordinances pertaining to signs, including this section of the Zoning Ordinance.
- Y. *Logo*: A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.
- Z. *Menu board sign*: A sign that is used to list items, dishes, meals or specialties to be served. Refer to the Sign Chart, Section 48.5, for requirements.
- AA. *Mobile sign*: See portable sign.

BB. *Model home sign*: A sign that is used to advertise a specific builder's home as an example of the type of residential structures that may be found within a residential development.

CC. *Monument sign*: A sign having a low profile and that is solid in appearance from its attachment to the ground to its maximum vertical height. Refer to the Sign Chart, Section 48.5, for requirements.

DD. *Multiple-face sign*: A sign containing three or more faces. Refer to the Sign Chart, Section 48.5, for requirements.

EE. *Municipally owned sign*: A sign which identifies a park, an entrance into the city, a place of interest within the city, a city-sponsored event, or any municipally owned site or facility. A municipally owned sign does not include traffic or street identification/name signs.

FF. *Nonconforming sign*: A sign that was lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that does not comply with the provisions of this section of the Zoning Ordinance (and/or other codes or ordinances) of the City of Weatherford.

GG. *Non-structural trim*: A retainer, batten, capping, nailing strip, latticing, platform or other similar trim component that is attached to the sign or its structure.

HH. *Obsolete sign*: A sign that no longer serves a bona fide use or purpose.

II. *Off-premise sign*: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

JJ. *On-premise sign*: A sign identifying or advertising a business, person or activity on the premises, and which is installed and maintained on the same premises as the business, person or activity it advertises.

KK. *Pole sign*: A sign that is independent of any structure or building and that is supported by a pole (or poles) having no guys or braces to the ground or to any other structure. Refer to the Sign Chart, Section 48.5, for requirements.

LL. *Political sign*: A sign that is for the purpose of advertising a particular political person, position, and/or election. Refer to the Sign Chart, Section 48.5, for requirements.

MM. *Portable sign* (also called temporary sign): An outdoor advertising display sign supported by uprights or braces in or on the ground, or mounted on a vehicle, trailer or mobile structure, principally used for the purpose of advertising; or any advertising device that is not permanently attached to its support structure via commonly used construction standards. Also see temporary sign. Refer to the Sign Chart, Section 48.5, for requirements.

NN. *Projecting sign*: A type of attached sign that projects from a building and has one end attached to a building or other permanent structure. Refer to the Sign Chart, Section 48.5, for requirements.

OO. *Projecting structure*: A covered structure of a permanent nature that is constructed of approved building materials and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed canopy types of structures.

PP. *Promotional flag/pennant*: A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, and that is mounted/tethered to a pole(s),

building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string); and that is designed to move in the wind to attract attention. Promotional flags/pennants may or may not exhibit a text message or symbol, and may be a single color or several colors. For the purposes of this section, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a "promotional pennant". (Also see promotional signage.)

QQ. *Promotional signage*: A type of temporary signage that is typically used for, but not limited to, special events and promotions or for business grand openings. (Also see searchlights.)

RR. *Pylon sign*: A freestanding sign supported by a solid, ground up, tall monumental structure. (See pole sign.) Refer to the Sign Chart, Section 48.5, for requirements.

SS. *Real estate sign*: A temporary accessory sign pertaining to the sale or rental of property, and which advertises property only for a use for which it is legally zoned.

TT. *Roof sign*: A type of attached sign that is erected upon or above a roof or parapet of a building or structure. Refer to the Sign Chart, Section 48.5, for requirements.

UU. *Searchlight*: A strong beam of light, including but not limited to laser-type devices, that is typically, but not always, used in advertising a place of business or an event after dark. Refer to the Sign Chart, Section 48.5, for requirements.

VV. *Sign (general)*: A name, number, identification, description/announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business. Any interior illuminated or moving sign or light that is visible from the exterior may be determined as being erected on the exterior of the building or structure.

WW. *Sign face*: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of building or sign structures, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a border.

XX. *Stake sign*: A sign that is not permanently attached to the ground or designed to be permanently attached to the ground. Refer to the Sign Chart, Section 48.5, for requirements.

YY. *Subdivision entrance sign*: A permanent on-site sign identifying a residential subdivision or a multiple-family use. Refer to the Sign Chart, Section 48.5, for requirements.

ZZ. *Temporary sign*: A sign, banner, pennant, valance or other advertising device constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any type of sign that is not permanently attached to the ground, wall or building, and which is intended to be displayed for a short period of time (i.e., changeable; not permanent). Also see portable sign.

AAA. *Under-awning sign*: A sign attached to the underside of an awning. Refer to the Sign Chart, Section 48.5, for requirements.

BBB. *Wall sign* (also called fascia sign): A sign attached to or painted upon a wall surface. Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, when directing attention to the subject matter,

or when forming letters, logos, symbols or pictorial designs. Refer to the Sign Chart, Section 48.5, for requirements.

CCC. *Window sign:* A sign painted or affixed to the exterior (or interior) surface of a window and visible from outside the building (e.g., from the street or parking lot). Refer to the Sign Chart, Section 48.5, for requirements.

48.5 Requirements for specific types of signs: Requirements for specific types of signs are contained within the Sign Chart that is contained in Appendix B. See Section 48.7 for standards for signs located along the city's major corridors.

48.6 General provisions for signs:

A. Removal of signs:

1. Removal or repair of unsafe signs. If the building official determines that any sign is unsafe, is not properly secured, or is a menace to the public; he shall give written notice to the person or persons responsible for such sign. If the sign permit holder, owner, agent or person having the beneficial use of the premises and/or the sign fails to remove or repair the sign within 15 days after such notice, such sign may be removed by the city at the expense of the permit holder, sign owner, or owner of the property upon which the sign is located. The building official may cause any sign that is deemed to be an immediate hazard to persons to be removed summarily and without notice.

2. Removal expenses. Upon failure of the sign permit holder, owner, agent or person responsible for a sign to remove it upon 15 day notice to do so by the building official, the city is hereby authorized to enter the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected and/or the owner/permit holder of such sign are jointly and severally liable for any expense incurred in removal of the sign.

B. *Maintenance of signs:* All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the city determines is in an unacceptable, deteriorated condition shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within 15 days after written notification to do so from the building official. Upon failure to comply with such notice, the city shall cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

C. *Obsolete sign copy:* Any sign copy that no longer advertises or identifies a use/business conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the building official; and upon failure to comply with such notice, the city is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.

D. *Signs in a planned development (PD) district:* In a PD district, the sign standards shall be as specified in this section of the Zoning Ordinance, unless specifically cited otherwise in the amending ordinance that establishes the PD zoning district.

E. *Sign height, area, and setback:* Signs shall be a maximum of 60 feet in height, shall be a maximum of 100 square feet in area (as calculated in accordance with Section 48.6 F), and shall

be setback from all property lines at a minimum distance of 15 feet unless one or more of the following applies:

1. Requirements are otherwise stipulated within the Sign Chart, Section 48.5, for the specific sign type or in an ordinance establishing a planned development (PD) zoning district.
2. Sign(s) are located within 500 feet of a highway, freeway or arterial as designated on the thoroughfare plan, as amended.

In the case of a lot located at an intersection of one or more of the above-listed major thoroughfares, the spatial requirements shall be based on the roadway with the least restrictive spatial calculations.

3. A new business is established within 1,000 feet of an existing business that is determined by the city to have similar characteristics to that which is being established, in which case the sign erected by the new business establishment shall be constructed to conform to the requirements of this Ordinance, or shall be constructed at a size that is less than or equal to 80 percent of the height and/or area of the sign of the existing business, whichever is the least restrictive.

4. A new business is established within 1,000 feet of a highway overpass structure and it is determined by the city that the height requirements as established herein in conjunction with the highway overpass structure would cause the sign of said business to be obstructed from the view of the public, in which case the sign erected by the new business establishment shall be permitted to construct said sign at a size that is a maximum of ten percent greater than the height and/or area permitted within this Ordinance.

F. *Sign area calculation:* The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols.

1. *Irregularly shaped signs:* The area of an irregularly shaped signs shall be calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of each of the rectangles shall be equal to or less than the maximum area permitted for the sign type herein.

2. *Signs with two or more faces:* The area of double-faced signs shall be calculated using the area of one side only. The area of multiple-face signs (i.e., three or more sides) shall be calculated using the area of all sides together, which shall be equal to or less than the maximum area permitted for multiple-face signs (refer to the Sign Chart, Section 48.5).

G. *Noninterference with traffic:* No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or

light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.

H. *Flags:* American, State of Texas, or local government flags less than 60 square feet shall be exempt from this section, except only one of each type shall be permitted per lot or business. Any flag over 60 square feet shall be classified as a general business sign. Flags with corporate symbols, such as business logos, shall be permitted.

I. *Wind pressure and dead load requirements:* All signs, including portable signs, shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead loads as required by the building code.

J. *Illegal signs:* Owners with/of illegal (either conforming or nonconforming) signs must obtain a permit from the Building Inspections Department of the City of Weatherford within 15 days of notification of non-compliance. If the owner has not obtained a permit for the illegal sign by the 16th day following notification, the owner will be cited for noncompliance.

K. *Nonconforming signs:* A sign that does not conform to the regulations prescribed in this section and which existed lawfully on the date of adoption (i.e., on the effective date) of this section, or amendment hereto, shall be deemed a nonconforming sign. A nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this section subject to the following conditions.

1. Removal: The right to continue all nonconforming signs shall cease and such sign shall be removed within 15 days whenever one or more of the following conditions is found to occur:

- a. A sign is altered, moved or relocated without a permit pursuant to the provisions of this section;
- b. A sign is damaged, defaced or destroyed and the cost to repair it exceeds 50 percent of the replacement/repair cost of the sign on the date of damage; an existing nonconforming sign that is already in a dilapidated/deteriorated condition or that represents a public safety hazard as of the effective date of this section of the Zoning Ordinance must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense.

2. Historic/architectural significance: Any sign designated by official action of the city as having special historic or architectural significance is exempt from the provisions of this section.

3. Alteration: Structural alterations to the nonconforming sign are permissible only where such alterations will not increase the outside dimensions and/or the degree of nonconformity of the signs.

L. *Signs exempt from permit:* A permit shall not be required for the following signs provided that such signs comply with all other applicable provisions of this section of the Zoning Ordinance and with any other applicable city code/ordinance:

1. Temporary signs: Any type of temporary sign, as defined herein.
2. Official notices: Official notices authorized by a court, public body, or public safety official.
3. Governmentally authorized: Directional, warning or information signs authorized by federal, state, or municipal governments.

4. Part of building/structure: Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
5. Flags: The flag of a government or noncommercial institution, such as a school.
6. Religious symbols and seasonal: Religious symbols and seasonal decorations within the appropriate public holiday season.
7. Works of art: Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
8. Other: Street address signs, and combination nameplate and street address signs which contain no advertising copy and which do not exceed six square feet in area.

M. *Signs exempt from this section:* On-premise permanent signs used for the advertisement of religious practices, such as those erected by a church or synagogue, shall be permitted to be of any type. Said sign shall meet the maximum height and area standards established herein (Section 48.6 E).

N. *Prohibited signs and activities:* The following signs and activities are prohibited.

1. Traffic obstruction: Signs that are located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic shall be prohibited. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance shall be prohibited.
2. Right-of-way encroachment: Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way shall be prohibited. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Portable signs: No portable signs shall be allowed for permanent use.
4. Mobile signs: Any off-premise sign attached to, or placed on, a vehicle or trailer parked on any public or private property shall be prohibited, except for signs meeting all of the following conditions:
 - a. The sign is an on-premise sign (refer to Section 48.4 CC);
 - b. The primary purpose of such vehicle or trailer is not the display of signs;
 - c. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle; and
 - d. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
5. Signs attached to mobile structures: No vehicle(s) or trailer(s) shall be permitted to be used as an on-premise or off-premise sign, meaning that the vehicle(s) or trailer(s) shall not be permitted to be used primarily for the purpose of serving as a static display for the advertisement of the sale, storage, or distribution of a product or service.

6. Permanent off-premise signs: Permanent off-premise signs shall be prohibited.
7. Special advertisements: Balloons, streamers, or pinwheels, except those temporarily displayed and permitted as part of a special sale, promotion or community event, shall be prohibited.
8. Billboards: All billboard signs shall be prohibited.
9. Obscene, indecent and immoral matter: It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

48.7 Supplementary provisions for signs located along US Highway 80, US Highway 180, State Highway 171, FM 51, FM 1884, and FM 2552:

A. *Signs along freeway/tollway, major arterial, minor arterial and major collector:* The following standards are intended to provide for appropriate minimum design requirements for development of properties with frontage along US Highway 80, US Highway 180, State Highway 171, FM 51, FM 1884, and FM 2552.

1. Base sign standards to remain in effect. The base sign standards of properties subject to these provisions shall not be affected except as noted herein. All applicable regulations for signage shall be those specified for each district, including Planned Development stipulations. Where any of the above conflict with those of the standards included herein, the more restrictive shall apply. Except as noted, the requirements below shall apply to all properties with direct frontage onto US Highway 80, US Highway 180, State Highway 171, FM 51, FM 1884, and FM 2552.

2. Minimum sign standards. One freestanding sign per parcel or tract shall be permitted. Each freestanding sign shall be monument type. The copy area shall be framed on all four sides by at least six inches of a masonry material that is like and similar to that used for the primary structure. An additional allowance of up to three feet in height may be permitted for earthen berms, stone mounds, or other landscape features if part of an approved landscape plan. The maximum sizes and dimensions of the monument signs shall be as follows:

- a. Single tenant signs:

1. Maximum height--6 feet.
2. Maximum size inclusive of the frame and the copy area--50 square feet.
3. Maximum size of copy area--40 square feet.

- b. Multi-tenant signs:

1. Maximum height--8 feet.
2. Maximum size inclusive of the frame and the copy area--150 square feet.
3. Maximum size of copy area--100 square feet.

Sec. 12-5-8. Supplemental regulations.

(a) Communication antennas, support structures and towers:

(1) Applicability:

- a. These regulations apply to all commercial and amateur communication antennae, support structures and towers unless exempted below.

- b. Direct broadcast satellite (DBS) reception devices, broadband radio service provider (formerly multi-channel multi-point distribution service (MMDS)) reception devices and television broadcast station (TVBS) reception devices as defined by the Federal Communications Commission (FCC) meeting the following requirements do not require a conditional use permit unless mounted on a pole or mast higher than 12 feet above the roofline:
1. A “dish” antenna that is one (1) meter (i.e., 39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite;
 2. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite;
 3. In a non-residential zoning district, an antenna that is two meters or less in diameter;
 4. An antenna that is designed to receive local television broadcast signals.
 5. Antennas used for AM/FM radio, amateur (“ham”) radio, Citizen's Band (“CB”) radio or Digital Audio Radio Services (“DARS”) concealed behind or located within attics, eaves, gutters or roofing components of the building, and do not exceed a height twelve (12) feet above the roofline.
- c. Communication antennas, support structures and towers legally installed before adoption of these regulations which could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yard, site location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the provisions of this ordinance regarding nonconforming structures.
- d. Antennae and support structures may be considered either principal or accessory uses.
- e. Antenna installations shall comply with all other requirements of the Zoning Ordinance and the Code of Ordinances with the exception of those specifically cited within these regulations.
- (2) For the purpose of this section, the following special definitions shall apply:
- Antenna, microwave reflector & antenna support structure.* An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.
- Antenna (non-commercial/amateur).* An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet in diameter shall also be considered as a non-commercial antenna.

Antenna (commercial). An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet in diameter shall also be considered as a commercial antenna.

Collocation. The use of a single support structure and/or site by more than one communications provider.

Communications operations (non-commercial/amateur). The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

Communications operations (commercial). The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

Height. The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.

Radio, television or microwave tower. See “antenna, microwave reflector & antenna support structure”.

Telecommunications tower or structure. See “antenna, microwave reflector & antenna support structure”.

Temporary/mobile antenna. An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.

Wireless communication tower or structure. See “antenna, microwave reflector & antenna support structure”.

(3) Permit Requirements:

- a. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment. All installations shall comply with applicable federal, state and local building codes and the standards published by the Electronic Industries Association (EIA).
- b. A site plan, shown at a scale of one inch (1”) equals forty feet (40’), shall be submitted along with the building permit application. The site plan shall illustrate:
 1. Property lines and physical dimensions of the property.
 2. Location, heights, dimensions, setbacks, trees (exceeding six inches (6”) in diameter, at a point four and one half feet (4.5’) above the ground) on the lot, and types of existing structures on the property.
 3. Location and size of adjacent buildings and easements, within the required fall zone.
 4. Location of the proposed wind system and any accessories.
- c. Rights of way of any adjacent public road.
- d. Foundation drawings and details with a registered Texas Engineer stamp.

- e. Tower drawings and details with a registered Texas Engineer stamp.
- f. Decommission Plan.

(4) Height Requirements:

Nothing in this section shall be construed to limit the height of communication antennas, support structures or towers beyond what is sufficient to accommodate amateur service communications. Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by part 17 of this chapter.

(5) Area, Yard, and Lot Requirements:

- a. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to public utility structures that exceed 50 feet in height, or to antennae placed wholly within or mounted upon a building.
- b. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- c. Only one amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two satellite dishes may be allowed if both units are no larger than one meter (39 inches) in diameter (only one allowed if over one meter in diameter). Satellite dishes in any residential district shall not exceed 12 feet in diameter, and must be permitted by the city manager (or his/her designee).

(6) Additional regulations:

- a. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable federal, state and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six months or as may otherwise be required by the applicable regulating authority.
- b. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Weatherford's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
- c. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
- d. Safeguards shall be utilized to prevent unauthorized access to an antenna installation. Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available

safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.

e. Temporary antennae shall only be allowed in the following instances:

1. In conjunction with a festival, carnival, rodeo or other special event/activity;
2. In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
3. When needed to restore service on a temporary basis after failure of an antenna installation. The city must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth day following initial placement of the antenna.

f. Collocation is greatly encouraged by the city.

1. All new support structures over 50 feet in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
2. A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within 50 feet of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the property within 90 days following completion of the new structure.
3. Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

g. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements, and shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of three feet, and which will attain an ultimate height of six feet at maturity. A six-foot solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.

h. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as a letter certifying the roof's/building's structural stability, written and sealed by a registered architect or engineer, is submitted to the City Manager (or his/her designee) prior to any approval of a roof-mounted antenna.

i. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are

placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.

j. Any publicly owned antennae or antenna support structures (e.g., public safety communications, etc.) shall be permitted in any zoning district.

(7) Abandonment:

a. A communication antenna, support structure or tower that is out of service for a continuous twelve (12) month period will be deemed to have been abandoned. The City of Weatherford may issue a Notice of Abandonment to the owner of a communication antenna, support structure or tower that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from postmark date. The City of Weatherford shall withdraw the Notice of Abandonment, and shall notify the owner that the Notice has been withdrawn, if the owner provides information that demonstrates the communication antenna, support structure or tower has not been abandoned.

b. If a communication antenna, support structure or tower is determined to be abandoned, the owner shall remove the communication antenna, support structure or tower, at the owner's sole expense, within two (2) months of postmark date of the Notice of Abandonment. If the owner fails to remove the communication antenna, support structure or tower, the City of Weatherford may pursue a legal action to have the communication antenna, support structure or tower removed at the owner's expense.

(8) Decommissioning Plan:

The permit application must contain a decommissioning plan to ensure the project is properly decommissioned upon abandonment. At a minimum, the decommissioning plan shall include:

a. Provisions for the removal of all structures, and accessories, within one hundred eighty (180) days after facility abandonment.

b. Provisions for the restoration of the soil and vegetation within two hundred seventy (270) days after abandonment.

(9) Enforcement:

a. The ordinance shall be administered by the Director of Planning and Development or designee.

b. The Director of Planning and Development or designee may enter any property, for which a building permit has been issued under this ordinance, to conduct an inspection to determine whether the conditions stated in the permit have been met.

c. The Director of Planning and Development or designee may issue orders to abate any violation of this ordinance.

(10) Penalties:

a. Any person who fails to comply with any provision of this ordinance, or any building permit issued pursuant to this ordinance, shall be subject to enforcement and penalties as stipulated in the Weatherford City Code.

b. Nothing in this section shall be construed to prevent the City of Weatherford from using any other lawful means to enforce this ordinance.

(b) Wind energy systems:

(1) Description:

This Chapter is to promote the safe, effective and efficient use of Wind Energy Systems (WES) and to promote the supply of wind energy sources, by establishing standards and procedures, by which the installation and operation of Wind Energy Systems shall be governed within the City of Weatherford.

(2) Definitions:

Fall zone. An area surrounding the proposed WES tower, circular in shape, with a radius equal to the height of the tower. The entire fall zone must be located on the same lot as the tower, and shall be clear of any habitable residential structures and/or occupiable commercial structures.

Grid-interconnected system. A WES system producing power for use on a utility company grid system. Such system may or may not be capable of sending power back into the utility grid.

Off-grid system. A stand-alone generating system not connected to or in any way dependent on the utility grid.

Over speed controls. Mechanisms to limit the speed of the blade rotation.

Total height. The vertical distance from ground level to the tip of a wind generator blade, when the blade is at its highest point.

Tower, guyed. Structure of tubular or open steel lattice construction anchored by steel ropes (guys), with suitable foundation, with an anchor radius of approximately two-thirds (2/3) the tower height.

Tower, monopole. Self-supporting structure of tubular or open steel lattice construction which is anchored in the ground with suitable foundation.

Small wind energy system. A wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than one hundred (100) kilowatts (kW) and which is intended to primarily reduce the on-site consumption of utility power.

Wind energy system. Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

Wind generator. Blades and associated mechanical and electrical conversion components mounted on top of the tower.

(3) Permit Requirements:

a. A building permit shall be required for the installation of any small wind energy system.

b. A site plan, showing a scale of one inch (1") equals forty feet (40'), shall be submitted with the building permit application. The site plan shall include:

1. Property lines and physical dimensions of the property.
2. Location, heights, dimensions, setbacks, trees (exceeding six inches (6") in diameter, at a point four and one half feet (4.5') above the ground) on the lot, and types of existing structures on the property.
3. Location and size of adjacent buildings and easements, within the required fall zone.
4. Location of the proposed wind system and any accessories.

- c. Rights of way of any adjacent public road.
- d. Notice to utility company on grid interconnected system.
 - 1. No grid interconnected wind energy conversion system shall be installed until evidence has been provided to the City of Weatherford Utilities Director that the appropriate electric power provider has been informed of the customer's intent to install a grid connected customer owned Wind Energy System and that the customer's system meets the utility's approved specifications for interconnection.
 - 2. Off-grid systems are exempt from this requirement.
- e. Applicant shall provide documentation, from the dealer or manufacturer, that the Wind Energy Conversion has been successfully operated in atmospheric conditions similar to the conditions within the City of Weatherford. The Wind Energy System shall be warranted against any system failures, reasonably expected in severe weather operation conditions.
- f. Foundation drawings and details with a registered Texas Engineer stamp.
- g. Tower drawings and details with a registered Texas Engineer stamp.
- h. Decommission Plan. Refer to subsection I.

(4) Height Requirements:

- a. The maximum height for a Wind Energy System, measuring from ground level to the tip of a wind generator blade when the blade is at its highest point shall be limited to a maximum of sixty-six feet (66').
- b. Regardless of the height of the pole, the tip of the blade shall not be located closer to the ground than twelve feet (12').

(5) Area, Yard, and Lot Requirements:

Location and Setback

- a. A Wind Energy System may only exist as an accessory structure. A WES shall not be erected on a lot until a primary structure has been constructed or is under construction as part of a current building permit.
- b. A WES shall be located in the rear yard and shall be located in the center of the fall zone.
- c. All WES towers shall be monopole.
- d. Guyed towers are prohibited.
- e. No part of the WES may extend into, or across any recorded public easement, unless authorized by the easement holder.

(6) Additional Regulations for Wind Energy Systems:

- a. A WES, including tower, shall comply with all City of Weatherford's adopted codes and ordinances.
- b. Each WES, that connects to the electric utility, shall comply with all regulations of the Public Utility Commission of Texas and any additional requirements of the utility company having jurisdiction.
- c. Each WES, shall be installed in conformance with the current version of the National Electrical Code, as adopted by the City of Weatherford. All equipment shall be approved, listed and

labeled by a nationally recognized electrical listing agency. Where a conflict exists between the installation guidelines of the manufacturer and the current version of the National Electrical Code, the installation guidelines of the manufacturer shall apply.

- d. Each WES shall be grounded, to protect against natural lightning strikes, in conformance with the current version of the National Electrical Code, as adopted by the City of Weatherford.
- e. Each WES shall be equipped with manual and automatic over speed controls.
- f. Each WES shall be designed and constructed to prevent any type of electromagnetic interference.
- g. WES rotors shall have rotor diameters not greater than eighteen feet (18').
- h. The minimum distance between towers shall be one hundred feet (100').
- i. A wind tower and generator shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration.
- j. A minimum of one informational/warning sign, with one (1) such sign located at the base of the tower, shall be installed. Each sign shall be a minimum of two (2) square feet and a maximum of four (4) square feet in area. Each sign shall contain, at a minimum, the manufacturer's or installer's identification, appropriate warnings, emergency phone numbers or owner identification, and emergency shutdown procedures.
- k. Promotional, personal, or advertisement signs are prohibited on the WES.

(7) Noise:

With the exception of short term intervals, during utility outages and/or severe wind storms, noise levels from a WES shall not exceed 60 dBA, measured at the nearest property line.

(8) Abandonment:

- a. A WES that is out of service for a continuous twelve (12) month period will be deemed to have been abandoned. The City of Weatherford may issue a Notice of Abandonment to the owner of a WES that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from postmark date. The City of Weatherford shall withdraw the Notice of Abandonment, and shall notify the owner that the Notice has been withdrawn, if the owner provides information that demonstrates the WES has not been abandoned.
- b. If a WES is determined to be abandoned, the owner of the WES shall remove the wind generator from the tower, at the owner's sole expense, within two (2) months of postmark date of the Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the City of Weatherford may pursue a legal action to have the wind generator removed at the owner's expense.

(9) Decommissioning Plan:

The permit application must contain a decommissioning plan to ensure the project is properly decommissioned upon facility abandonment. At a minimum, the decommissioning plan shall include:

- a. Provisions for the removal of all structures, and underground and above ground cabling, within one hundred eighty (180) days after facility abandonment.

- b. Provisions for the restoration of the soil and vegetation within two hundred seventy (270) days after facility abandonment.

(10) Enforcement:

- a. The ordinance shall be administered by the Director of Planning and Development or designee.
- b. The Director of Planning and Development or designee may enter any property, for which a building permit has been issued under this ordinance, to conduct an inspection to determine whether the conditions stated in the permit have been met.
- c. The Director of Planning and Development or designee may issue orders to abate any violation of this ordinance.

(11) Penalties:

- a. Any person who fails to comply with any provision of this ordinance, or any building permit issued pursuant to this ordinance, shall be subject to enforcement and penalties as stipulated in Title XII, Article VI of the Weatherford City Code.
- b. Nothing in this section shall be construed to prevent the City of Weatherford from using any other lawful means to enforce this ordinance.

(c) Sexually oriented businesses:

(1) Purpose and intent:

- a. It is the purpose of this section to regulate the location of sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market;
- b. It is the intent of the governing body that the locational regulations of this section are promulgated~~[-to]~~ pursuant to Chapter 243, Local Government Code of Texas.

(2) Definitions in this section:

Adult arcade. Means any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or other image producing motion picture machines, projectors or devices are maintained to show images to five or fewer persons, per machine, at any one time and where the image is so displayed or distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult bookstore or adult video store. Means a commercial establishment which as one of its principal business purposes offers for sale or rent, for any form of consideration any one or more of the following:

- a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

- b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

Adult motion picture theater. Means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult theater. Means a theater, concert hall or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

Establishment. Means and includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business;
- b. The conversion of an existing business whether or not a sexually oriented business, to any sexually oriented business;
- c. The addition of any sexually oriented business to any other existing sexually oriented business; or
- d. The relocation of any sexually oriented business.

Nude model studio. Means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or state of nudity. Means the appearance of bare buttocks, anus, male genitals, female genitals or female breasts.

Person. Means an individual, partnership, corporation, association or other legal entity.

Semi-nude. Means a state of dress in which clothing covers no more than the genitals, pubic region, an areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexually oriented business. A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer pursuant to Chapter 243, Texas Local Government Code.

Specified anatomical areas. Means bare buttocks, anus, male genitals, female genitals or female breasts.

Specified sexual activities. Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the activities set forth above.

(3) Location of sexually oriented businesses:

a. A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,000 feet of:

1. A church;
2. A public or private elementary or secondary school;
3. A boundary of a residential district as defined by the City of Weatherford subdivision ordinance or the City of Weatherford zoning ordinance;
 - i. A public park adjacent to a residential district as defined by the City of Weatherford subdivision ordinance or the City of Weatherford zoning ordinance; or
 - ii. The property line of a lot devoted to residential use.

b. A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

c. A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

d. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

e. For purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

f. A sexually oriented business shall only be located in a district as allowed in Section 38 of this Ordinance.

(4) Enforcement:

a. Any person violating this ordinance, upon conviction, is punishable by a fine in accordance with the general penalty provision found in this ordinance.

b. It is a defense to prosecution under this section that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation:
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:

- i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - ii. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - iii. Where no more than one nude model is on the premises at any one time.
- c. It is a defense to prosecution under this section that each item of descriptive, printed, film or video material offered for sale or rent[~~at~~], taken as a whole, contains serious literary, artistic, political, or scientific value.

Chapter 6. Penalties and Nonconformities

Sec. 12-6-1. Effect of interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

Sec. 12-6-2. Preserving rights in pending litigation and violations under existing ordinances.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

Sec. 12-6-3. Penalty for violations.

Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding \$2,000.00 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Sec. 12-6-4. Validity.

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

PASSED AND APPROVED by the City Council of the City of Weatherford, Texas on the ____th day of _____, 20__.

TABLE INSET:

(City's Seal)

Mayor
City of Weatherford, Texas

ATTEST:

City Secretary
City of Weatherford, Texas

APPROVED AS TO FORM:

City Attorney
City of Weatherford, Texas

APPENDIX A

APPENDIX B

APPENDIX C